

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 V 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"). Thus, Chimney Lakes is a Design Standard community. 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

Chimney Lakes has carefully defined architectural standards, originally put in place by the developers, and periodically updated by the ACC, that govern all exterior aspects of the community. Plans and specifications for exterior projects 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". Owner and Homeowner shall be considered synonymous.

A "major" Structure shall mean permanent structures such as new building, additions, swimming pools, etc. The ACC may designate other Structures as "major" upon approval of the Improvement Request Application.

Plans and specifications as used herein shall mean all those documents necessary to adequately describe the requested project (e.g., designs, sketches, landscape plans, hardscape, lighting plans, new builds, additions, colors, materials).

CLHOA or alternatively HOA shall mean the Chimney Lakes Homeowners Association and/or its duly elected Board of Directors (Board).

All other words that are defined in the Declarations shall have the same meaning in these Design Standards.

4. MAINTENANCE

Owners shall keep and maintain each structure in good condition and repair, including the repairing and painting or other appropriate external care of the structures.

5. SUBMISSION OF IMPROVEMENT REQUEST APPLICATION

- A. Each owner desiring to make certain changes to any exterior structure (including but not limited to construction of buildings, additions, exterior painting, landscaping, hardscaping, roofing, tree removal, fencing, swimming pools, decks) shall submit to the ACC a completed **Improvement Request Application** (found on the HOA website), clearly designating which Lot (e.g. Lot number and/or address) is covered by such request to: acc@chimneylakes.net.
- B. Improvement Request Applications should be submitted to the ACC at least 30 days before beginning work. No work shall begin prior to receiving ACC approval of the project.
- C. Plans and specifications sufficient to adequately describe the requested project shall also be submitted with the Improvement Request Application in accordance with the requirements of Section 5.06 of the Declarations.
- D. Plans and specifications 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 elevation drawings clearly showing these changes.
- E. All projects should be completed by the date specified on the Improvement Request Application. However, if extra time is needed, contact an ACC member.

6. CONSTRUCTION

- A. After approval by the ACC of an Improvement Request Application, including plans and Specifications, work may begin except for a major Structure or as restricted by the ACC during approval.
- B. For major Structures, 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. 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 greater than 6" in diameter on the Lot prior to approval of the proposed location by the ACC.

- C. During approved construction, all vehicles in any way connected with such construction shall enter the Lot or Lots under construction only by the driveway or as approved in the plans and specifications by the ACC. In no event shall access 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. Existing landscaping or structures damaged or destroyed by such access, parking, etc. shall be restored to its original appearance, or as otherwise approved by the ACC.
- D. All stumps and brush are to be removed from Lots during and at completion of construction, and no such stumps, brush, or other debris shall be buried on such Lots. 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.
- E. Lots shall be graded in such a manner so as not to block any natural or manmade swales, ditches, or drainage structures. Earth berms, silt fencing, and/or hay 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.

7. DESIGN DETAILS

- A. No single-family residential Structure shall be located on any Lot unless said Structure shall have at least 2,200 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 2,200 total square feet of heated living area.
- B. Building area setbacks shall be within the recommended building lines indicated on the recorded subdivision plats of Chimney Lakes provided, however, that less restrictive setbacks 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 setbacks 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. Window and doors including their framing may use materials other than wood (e.g. PVC, Fiberglass) or a factory-painted or anodized finish aluminum if approved by the ACC, 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 9B 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 or 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. Other hard surfaces may be approved by the ACC. If a Lot Owner wishes to replace and/or repair their driveway with another hard surface, the Owner must submit a written ACC request and receive written approval by the ACC prior to the installation of the material.
- H. Mailboxes: No mailbox 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 required mailbox (and post) is The Imperial System. The Imperial System mailbox and post specifications are as follows: black aluminum and stainless steel - Post 5, Finial 5, Number Plate 2 and Box 0 with a standard knob (includes standard scroll support brace). Newspaper boxes are prohibited. Owners may purchase the required mailbox post and mailbox from any company that makes them with the same specifications as set forth herein.

In the event The Imperial System or the specifications are discontinued, the Board may establish new specifications and requirements and publish them to the members.

All mail posts and boxes shall be maintained by the Owner to similar appearance as new and with posts vertical and mailboxes horizontal to the post. Height of mailboxes shall be approximately five (5) feet from the ground and conform to USPS regulations

8. SITE PLANNING AND DESIGN

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

9. 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) Wood; including natural wood siding.
 - (b) Recommended surface treatments to existing brick veneer shall include permeable applications that do not seal moisture into the wall cavity, including but not limited to brick stains, opaque and transparent and lime wash applications. Paint is not recommended due to moisture problems inherent with sealing the moisture into the wall cavity. Painting of brick shall only be allowed by approval of the ACC.
 - (d) Natural cedar shakes or shingles.
 - (e) Asphalt shingles which are very dark brown, black, shadow-black, and other trade names of various dark brown and black asphalt roofing.
 - (f) Solid PVC (cellular PVC (CPVC) and fiberglass windows, doors, and associated framing, if they have the look of wood windows/doors and are colored, stained, painted with colors compatible with the house and these Design Standards.
 - (g) Steel or heavy gauge aluminum garage doors of simple design and colors compatible with the house and these Design Standards.
 - (h) Adhered Concrete Masonry Veneer (with preformed corner pieces and trim pieces by same manufacturer).
 - (i) Fiber-Cement Siding, soffits and fascia, including lap siding and shakes (e.g. James Hardie, Nichiha).
- (4) Unacceptable materials include:
 - (a) Artificial brick, stone, or wood; (except cast concrete stone and fiber-cement siding where provided above)
 - (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.
 - (h) Vinyl or aluminum clad windows and doors.
- (5) The exterior materials of all Structures on all Lots shall be harmonious and complementary.

B. Colors

- (1) A minimum number of exterior colors shall be used. When more than one color is used, one shall be clearly dominant.
- (2) Secondary colors shall be:

- (a) Compatible with the dominant colors; and
- (b) Limited to architectural details such as fascia, frames, and building trim.
- (c) High contrast colors, when used, shall be limited to entry doors, shutters, and other architectural elements if approved by the ACC.

10. 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.
 - (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 species 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 conform to the guidelines below as well as to the approved fence designs provided on the HOA website
 - (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 not noticeably obstruct vision. A
 - (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. "Poultry" (chicken) wire is not acceptable.
 - (e) Not attract attention as distinct architectural elements.
 - (f) Woven metal or chain link fences shall not be used.

11. ANTENNAS, SATELLITE DISHES, AND SOLAR PANELS

- A. Antennas: Article 6.12 of the Covenants state "No antennas installed on the exterior of any Structure or on any Lot shall be visible from the street abutting such Lot unless approved by the Architectural Control Committee."

- B. Large diameter satellite dishes are prohibited. HDTV and smaller diameter (under 21") satellite dishes may be installed subject to prior approval of plans and specification, including a landscaping plan to reduce the visual impact, by the ACC.
- C. Installation of antennas and satellite dishes are also subject to rules and regulations of the FCC in addition to these design standards.
- D. Solar Panels may be considered but only with the strict approval of the ACC. Placement of solar panels shall not be visible from the street.

12. SIGNS

Property owners are responsible for all signs on their property regardless of who installed or owns them.

- A. 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 **or near the front door of the property.**
- B. REAL-ESTATE SIGNS: Signs related to the sale of real property, advertisement of realtors or availability of homes for sale, directional signs and open houses shall be permitted per guidelines below.
 1. One real estate sign having a maximum face area of four-square feet per lot
 2. Real estate signs must be removed within 24 hours of closing or termination of listing contract.
 3. Directional signs are permitted for open houses only. They shall be placed no longer than 24 hours before the open house and removed immediately after the open house ends. Direction signs are NOT permitted (e.g. at entrances, intersections, etc.) at any other times.
 4. Property owner is responsible for communicating these guidelines to their real estate agent and implementing.
 5. The ACC may remove non-compliant signs and discard.
- C. YARD SALE SIGNS: Signs related to the advertisement of yard sales shall be permitted during the time which the sale is to be conducted. Signs shall not be placed more than one week in advance of the sale and shall be removed immediately upon close of the sale.
- D. POLITICAL SIGNS: Signs related to the endorsement of political candidates, including local, state, and national political candidates, are permitted on a Lot approximately thirty (30) days prior to election day and must be immediately removed the day after the election is held. No such political sign larger than 24" x 24" shall be permitted on a Lot, and only one (1) such political sign per Lot is permitted to be erected during any election cycle.
- E. VENDOR / ADVERTISEMENT SIGNS: Signs related to the advertisement of companies conducting work on a property shall be permitted (one free standing sign per company, no bigger than 14"x24"). Signs shall not be placed more than two days in advance of the work and shall be removed no more than 5 days after the completion of the work.

- F. **DIRECTIONAL SIGNS:** Directional signs for Chimney Lakes sponsored events, and private events (if such signs are approved by the ACC), may be placed at appropriate locations to direct attendees. Such signs shall not be placed more than four hours prior to the event and removed upon conclusion of the event. Directional signs are NOT permitted (e.g. at entrances, intersections, etc.) at any other times.
- G. **OTHER SIGNS:** Other signs, such as community event or announcement signs of general interest to the community may be placed at the first intersection after entrances to the subdivision. Such signs shall only be placed with prior approval of the ACC, except for events/announcements of CLHOA sponsored or approved events. Such signs shall not be placed more than one week prior to the event and removed upon conclusion of the event. Such signs are NOT permitted (e.g., at entrances, intersections, etc.) at any other times. Signs indicating ACC approval of a project may be placed by the ACC (or the homeowner if the sign is provided by the ACC) in the front yard of the property. Such ACC signs shall not be placed more than two days in advance of the work and shall be removed no more than 5 days after the completion of the work.
- H. **FLAGS:** A bracket attached to a residence may display The United States of America flag (as defined by 4 U.S.C. Section 3), as well as seasonal holiday flags, official military flags, and flags supporting athletic teams, however only one (1) flag may be displayed on each Lot at a time. Seasonal flags may only be displayed during the appropriate holiday and must be removed within ten (10) days after the holiday. Flags cannot be larger than 3' by 5' and must be attached to a pole no longer than 5'. Flags must be kept in good condition and shall not be torn or faded. Any flag displayed on a Lot shall not contain derogatory or offensive language, as determined in the sole discretion of the ACC Design Committee.

13. VEHICLES AND PARKING

Homeowners may not leave recreational vehicles in the street. Vehicles parked on the street must be parked facing the direction of the traffic flow. Vehicles may not be parked on the lawn or areas other than street and driveway. No more than one operational vehicle may be parked in the street overnight a majority of a seven-day week. Non-operational vehicles may not be parked in the driveway or street for more than a reasonable time to have the vehicle towed. Any junk abandoned or inoperative vehicle that remains on a property for longer than 30 days may be removed by Cobb County or its duly authorized designee. In addition to these design standards, parking shall conform to current Cobb County regulations.

Vehicles may not be parked in designated No Parking areas, or where they block access to private driveways or where they restrict the safe flow of traffic. CLHOA may from time to time (e.g., swim meets) temporarily place no parking signs for safety purposes and so as not to unduly impede the flow of traffic.

14. LANDSCAPING

- I. **LANDSCAPE PLAN:** A written plan for landscaping that involves more than 50 plants, shrubs, or trees, as well as all "hardscape" items such as fences, walls, rocks, foundation, statuary, flag poles, etc. 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.

- J. LAWNS AND LANDSCAPED AREAS visible from the street shall be maintained in a manner consistent with the general quality and harmony of the neighborhood. This shall include trimming, cutting, and removal of weeds in grassed and landscaped areas.
- K. GRASS AND WEEDS: Homeowners may not allow grass/weeds over 12 inches in height. Ornamental grasses are excluded provided they are part of an ACC approved Landscape Plan.
- L. ENGLISH IVY AND POISON IVY: Homeowners may use English ivy as ground cover in limited areas, such as fully shaded areas or on slopes, subject to ACC approval. Homeowner is responsible for maintaining ivy to prevent it from climbing houses, trees and structures or spreading to neighboring properties. Poison ivy may not be used as a ground cover.

15. TREE PRESERVATION, REMOVAL, AND REPLACEMENT

Well-managed urban forest resources provide increase in value and benefits to all the residents of Chimney Lakes with respect to air quality, water quality, stormwater management, temperature amelioration, community aesthetics and general quality of life; therefore, every effort should be made to preserve or replace trees within Chimney Lakes.

Tree means any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least two inches, and which normally obtains a height of at least ten feet at maturity, usually with one main stem or trunk and many branches.

As stated in the CLHOA Declarations ..., Section 6.06: *"No tree having a diameter of six (6) inches or more (measured from a point two (2) feet above ground level) shall be removed from any Lot unless such removal is in conformity with approved landscaping plans and specifications"*

Therefore, requests for removal of any tree having a diameter of six (6) inches or more (measured from a point two (2) feet above ground level) must be submitted to and approved by the ACC in accordance with the Improvement Request process prior to such removal.

Trees requested to be removed shall be marked (preferable) or otherwise adequately described so that the ACC may verify the validity of the reason for removal and assess its impact on the overall look and esthetics of Chimney Lakes. If large trees, or a significant number of trees are to be removed, a landscape plan may be needed.

Exceptions:

- a) Fallen trees caused by natural processes, such as storm, fire, disease, decay, etc. may be removed as soon as possible by the Homeowner or a contractor, and the ACC notified as soon as practicable using the Improvement Request Application.
- b) Dead, dying, diseased, or otherwise hazardous trees* posing an immediate safety hazard to persons, homes, automobiles may be removed by the Homeowner or a contractor, and the ACC notified using the Improvement Request Application.
- c) Topping or deadheading of trees is NOT allowed. Trimming of mature trees* to provide better esthetics, visibility, disease, and damage control is allowed.

*Chimney Lakes recommends the use of a Certified Arborist to advise the Homeowner on trimming of mature trees, identification of dead, dying, or diseased trees, and general maintenance of this resource.

The clear-cutting of trees is not permitted on any Lot. If a tree greater than 6" in diameter has been cleared without prior approval by the ACC, the Lot Owner bears the burden of planting a new tree in that location at their own expense. The replanted tree must be at least 10 gallons in size.

16. GARBAGE COLLECTION

Garbage containers filled with garbage can only be placed at the curb the evening before collection and must be removed by 11 p.m. on the day of collection. Homeowners are encouraged to use the vendor recommended by the HOA to limit the amount of service vehicles in the neighborhood to promote safety.

17. PET OWNERS

Animals are required to be on a leash when outside unless contained by a fence. Pet owners are responsible for collecting animal waste and disposing of it properly.

18. AMENDMENT

Changes or Amendments to these Design Standards may be recommended to the CLHOA Board from time to time by a full vote of the ACC for approval in accordance with the requirements of Section 5.05(a) of the CLHOA Declaration of Covenants, Restriction and Easements. Changes or amendments shall be effective immediately upon approval and shall be published on the CLHOA website and notifications posted in the CLHOA monthly publication.

19. EXCEPTIONS

Exceptions to these Design Standards may be allowed by a unanimous vote of the ACC, with concurrence of the CLHOA ACC Board Representative, 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 to 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 or for the current Owner only.

20. OFFICIAL CODE OF COBB COUNTY

Nothing in these Design Standards or Approval of a project by the ACC shall be construed as superseding any portions of the Official Code of Cobb County (Code). In all cases the Homeowner is required to comply with said Code. These Design Standards may contain requirements that are in addition to the Code. Where there may be a conflict, the stricter of the two shall apply.

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