

**BUTLER SPRINGS HOMEOWNERS' ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE ("ACC")
COMMUNITY-WIDE DESIGN STANDARDS**

INTRODUCTION

One of the primary purposes of the Declaration of Covenants, Conditions, and Restrictions (Declaration) for Butler Springs Homeowners Association is to provide the Owners in Butler Springs Subdivision with a framework of rules and regulations that assures each of us that the property within our Community will be developed and maintained in a fashion that will protect the investment of every Owner.

Why do we have Community-Wide Standards?

The Standards provide the Owner with the flexibility and latitude to make certain alterations to the Lot without the necessary step of first obtaining pre-approval from the Architectural Control Committee ("ACC") as set forth in Declaration. In those instances where pre-approval for changes is still necessary, the Standards provide steps for the Owner to request pre-approval for the proposed changes. In addition, the Standards provide a framework for maintenance of each Owner Lot.

Because of the uniqueness of each Lot within the Community, including variations in size, topography and location, certain uses, improvements or modifications suitable for one Lot may be inappropriate for another Lot. Therefore, despite the guidelines offered by these Standards, the ACC is authorized to apply or adopt different standards for different Lots to reflect those differences. As an example, the ACC may allow an improvement, modification, or change to a structure which cannot be seen from any street within the Community, but prohibit the same improvement if it has more visual impact on another Lot.

The ACC is made up of Owners in Butler Springs Subdivision appointed by the Board of Directors. The Board of Directors will serve as the ACC if no separate committee is appointed. The Declaration has granted the ACC the discretionary powers regarding the aesthetic impact of design, construction and development including architectural style, colors, textures, materials, and landscaping and overall impact on surrounding properties.

The intent of these Standards is to promote and assure that all improvements are aesthetically compatible and reflect the image of a quality swim and tennis community. The ACC intends to be fair, impartial and understanding of individual goals.

ARTICLE I

AUTHORITY

1.1 Pursuant to Article V, Section 5.05 of the Declaration, the Board of Directors has the authority to promulgate written Standards for the Community. The purpose of the Standards document is to further clarify the existing standards, policies and guidelines in the Declaration related to any Lot in the Community.

1.2 The authority to remedy violations of these standards is contained in Declaration. The Board of Directors will enforce these standards as dictated by the Covenants unless specific authority is granted to the ACC by the Board of Directors.

- 1.3 The Owner is responsible for following the rules set forth in this document as well as the Declaration and in performing customary maintenance on the exterior of the home and other hardscapes. Failure to comply with the Declaration, Bylaws, Standards, or other Association rules and regulations may result in the imposition of fines. Fines can be assessed according to the provisions outlined in Article V of the Bylaws. Fines can be imposed at the rate of \$25 per day per violation or such other amount deemed reasonable by the Board of Directors.
- 1.4 In addition to fines, the Association may choose to exercise its self-help remedies. The Association may also file a lawsuit to seek compliance with the Association's governing documents. Pursuant to the Declaration, all fines or fees (including legal fees) incurred by the Association in seeking corrective action shall constitute an automatic statutory lien on the Lot, as well as the binding personal obligation of the Lot Owner.

ARTICLE II

ACTIONS REQUIRING APPROVAL AND PROCEDURES FOR SUBMITTING REQUESTS

2.1 Actions Requiring Architectural Control Committee (ACC) Approval. Any action involving the installation, construction, or alteration of any Structure on any Lot requires prior ACC approval of such action. Common examples of actions requiring prior ACC approval include, but are not limited to: erecting fences, recreational equipment (such as basketball goals, swing sets, and playground equipment), retaining walls, buildings of any kind, whether attached or detached from the main dwelling, decks, mailboxes, patios, driveways, parking pads, garage doors, sidewalks, and statues; any addition or change to the exterior colors which includes change in roof color, form, or materials of any Structure; any change in grading of any Lot that affects or alters the established flow of water; significant changes to the established landscaping, including the removal of trees as defined in the Declaration.

General Evaluation Criteria. Requests shall be evaluated, taking into consideration the ACC's recommendations in accordance with the following general criteria: (1) whether the request, if implemented, will detract from the resale value of any Lot or from the Development as a whole; (2) whether the request, if implemented, will negatively impact the ability of the owners of nearby Lots to reasonably enjoy their property; and (3) whether the request, if implemented, will cause the Structure to be incompatible with the external design, elevation, topography and colors of the Development or of nearby Lots. Requests that generate an affirmative answer to any of these criteria will be denied.

2.2 The Declaration requires that pre-approval be obtained from the ACC before commencing work on all Lots. In those instances where pre-approval of Lot changes is necessary, a "Modification Request Form" must be completed as set forth below.

Step 1- Completing Modification Request Form

A description of what the homeowner intends to do, including, but not limited to: plans and drawings specifying the location of any Structure, dimensions, exterior elevations, materials to be used, color swatches, and whether necessary government permits will be obtain.

Plans and drawings need not be professionally drawn; however, they should clearly specify what will be done. A photograph of an existing similar situation would be helpful.

- (a) Plans for removal and disposal of waste material.
- (b) Plans for sediment control, if ground cover is to be disturbed.
- (c) Any other information that the ACC may require in order to make informed decision on the request as defined in Article V of the Covenants.

Step 2 – Submitting Modification Request Form

A complete copy, including all attachments, of all requests shall be submitted to the person(s) designated by the ACC and/or the Board as necessary to receive such requests.

Step 3 – Review Process

The ACC will make its best effort to respond to typical requests that contain all necessary information within 14 calendar days after receiving the request. However, complex requests may require the full 30 days allowed in the Declaration for the ACC response.

Step 4 – Approval Process

- **Approved as Presented** - The plan was accepted as documented and the Owner can begin the requested changes immediately.
- **Request Approved with Stipulations** - The plan was accepted with specific conditions provided. The Owner should review the conditions and, if in agreement, can begin the requested changes immediately. If the Owner is not in agreement with the conditions required, the owner may resubmit revised plans.
- **Request Denied as Presented** - If the plan was denied, an explanation will be provided. In many cases, the ACC will recommend one or more alternative solutions. If the Owner is receptive to one of these solutions, they simply need to submit a letter to the ACC detailing their agreement with the proposed solution. The ACC must approve the Owner's plan before the Owner can proceed with their request.

The signature of the ACC will be required on responses to all requests, whether approved or not approved.

No member of the ACC shall vote or participate in a review of approval for his or her own request for changes or modifications to his or her own Lot.

ARTICLE III

GENERAL DESIGN AND MAINTENANCE STANDARDS

Acceptable Materials: The following material shall generally be acceptable when used in an appropriate manner: brick, hardboard siding, natural stone, concrete, railroad ties, and treated landscape timbers (for retaining walls), cedar and treated pine or vinyl and black coated chain link (for decks and fences), three tab asphalt shingles. Other materials may be acceptable as determined by the ACC.

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Unacceptable Materials: The following materials shall generally be unacceptable: mill finish (i.e. unpainted aluminum) doors and storm windows when visible from the street, cedar and plywood (when used as siding), concrete blocks (unless covered by an acceptable material), visible wire of any kind when used in fencing, asphalt paving materials. Other materials may be unacceptable at the sole discretion of the ACC.

3.1 Painting, Siding, Brick, and Roof

Exterior color has a major influence on the character and appeal of a residence. The color of a unit also contributes to the overall appearance of the neighborhood. Color selection should therefore be made seeking a balance of personal expression, continuity, and compatibility with the entire neighborhood. Siding colors may only be muted colors approved by the ACC. A muted color is a color toned down with black, brown or its own complement. Bright or bold colors which make a residence stand out among a group or residences are inappropriate.

Trim colors shall complement the primary color on siding or brick. Trim colors shall not be bold. Trim colors shall complement to the unit's primary color. Generally accepted shingle colors shall be in the black and dark gray ranges. Deviation from this will require PRE-APPROVAL by the ACC as indicated in Section 2 above.

If adding new brick, it shall match existing brick. Additions to the home must be pre-approved by the ACC as indicated in Section 2 above.

Exterior brick cannot be painted.

The colors identified in this article are meant to provide general guidance. Other colors may be acceptable if they complement existing colors on the structure.

Unacceptable Colors: Bright shades of blue, green, yellow, red, violet, purple, orange, and pink will generally be unacceptable as exterior colors. The colors identified in this article are intended to provide general guidance in selecting exterior colors. Other colors may be unacceptable and will not be approved by the ACC if they do not complement the existing colors on the structure.

3.2 Doors, Windows, Shutters, Gutters

Accent colors may be used on shutters, front doors, and bay window overhangs where applicable. Generally acceptable accent colors shall include black, dark green, dark gray, dark blue, and dark red or dark brown. These colors shall complement the primary color of the unit as well as the trim color. Change in colors must be PRE-APPROVED by the ACC as indicated in Section 2.

All window treatments, including draperies, shade blinds, etc. should be of neutral or white color on the side exposed to the exterior of the house. Exceptions shall be submitted for preapproval by the ACC on a Modification Request Form.

Items stored in garages should be kept clear from view of windows or doors. White blinds or curtains may be utilized to assist in screening.

3.3 Driveways, Walkways, and Patios

A Modification Request Form shall be submitted for patio covers, trellises and arbors attached to the house, permanent seating, railing, and other items.

A Modification Request Form for changes in or additions to existing or new driveways, walkways or patios is required.

3.3 Decks

A Modification Request Form shall be submitted for all decks, including extensions and alterations. The Modification Request Form shall include a site plan denoting location, dimensions, materials and color. The following areas will be reviewed:

- Location, size, conformity with the design of the house, relationship to neighboring dwellings, and proposed use.
- Materials to be used subject to approval by the ACC.
- The deck may not extend past the sidelines of the home.
- The color must be approved by the ACC.

Owners are advised that a building permit is required for decks.

3.4 GARAGE AND PARKING

- No vehicle may be parked on any yard.
- No vehicle may be permanently parked on the street.
- Owners are responsible for guest parking and shall ensure that guests park in a safe manner and do not impede access to other driveways and traffic. Guests are encouraged to park in Owner driveway. Extra temporary parking is available for special events at the pool and tennis court parking area with prior approval of the Board of Directors.
- Boats, jet-skis, trailers, buses, taxis, hearses, limousines, recreational vehicles, motor homes, campers, panel trucks, trucks with a cargo-load capacity of one ton or more, full-size vans (*excluding vans used by handicapped persons, mini-vans or sport utility vehicles used as passenger vehicles and receiving a "car" or "passenger vehicle" classification by the Georgia Department of Motor Vehicles*), are prohibited from being parked in the Community, except: (1) in garages or as otherwise approved by the Board; or (2) in the case of service vehicles, on a temporary basis during daytime business hours or during emergencies for the purpose of servicing a Lot.
- Disabled and stored vehicles are prohibited from being parked in the Community, except in garages. For purposes of this subparagraph, a vehicle shall be considered "disabled" if it does not have a current license tag or is obviously inoperable. A vehicle shall be considered "stored" if it remains in the Community, other than in a garage, for 14 consecutive days or longer without prior written consent of the Board of Directors.
- Owners are encouraged to keep vehicles in their garage and are requested to keep garage doors closed as much as possible when not in use.

3.5 MAILBOXES AND MAINTENANCE

Mailboxes, street numbers and posts shall be the same standard size, color, and design as those installed by the developer and shall be kept in good, neat repair.

3.6 SATELLITE DISHES

This guideline applies to installation, attachment and maintenance of direct broadcast satellite. All such satellite dishes must comply with federal law as follows:

- Except as provided below or otherwise approved by the Board of Directors, no antenna or other device for the transmission or reception of television signals, radio signals or any form of electromagnetic wave or radiation shall be erected, used or maintained outdoors in any portion of the Community. Direct broadcast satellite ("DBS") antennas and multi-channel multi-point distribution services ("MMDS") one (1) meter or less in diameter and television broadcast service antennas may be installed in accordance with rules and regulations of the Federal Communication Commission ("FCC") and the Association. Any such devices shall be installed in the least conspicuous location available on the Lot that permits reception of an acceptable quality signal.
- NO OTHER ANTENNAS OR SIMILAR DEVICES MAY BE INSTALLED WITHOUT SUBMISSION OF A MODIFICATION REQUEST FORM AND WRITTEN APPROVAL OF THE ASSOCIATION'S ACC. ANY INSTALLATION NOT IN COMPLIANCE WITH THESE REGULATIONS IS SUBJECT TO POSSIBLE REMOVAL BY THE ASSOCIATION AT THE EXPENSE OF THE OWNER.

General Guidelines:

- Location: If there are multiple locations where substantially the same acceptable quality signal can be received within the Lot, the Reception Satellite Dish must be placed in the location that is least visible to public view.
 - In order of priority, the primary locations for installation of the Satellite Dish should be:
 - mounted on the rear of the home within the sidelines of the home so as to not be visible from the street; or
 - mounted on the roof on the rear of the home.
 - If it is determined that the Reception Satellite Dish cannot be located in one of the primary locations, the alternate location for installation for the Reception Satellite Dish shall be submitted on the Satellite Dish installation form to the ACC, along with specific, written documentation as to why one of the primary locations was not acceptable. So long as not prohibited by FCC rules, no Satellite Dish shall be placed on the front of a house, any front yard or any common area.
- Size limits for Reception Satellite Dishes: Satellite Dishes shall be **no larger than one meter in diameter.** Satellite Dishes or antennas mounted on masts are prohibited except

where necessary for reception of an acceptable quality signal and within the total size limit provided. Concealed cabling shall not count toward this total size guideline.

- Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. The Owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to reattachment of Satellite Dish and any components thereof, within 48 hours of dislodging, for any reason, from its original point of installation;

3.7 EXTERIOR MAINTENANCE AND LANDSCAPING

- Each Owner shall keep their Lot and all improvements thereon in good order and repair including, but not limited to, painting or other appropriate external care of structures, seeding, watering, fertilizing, mowing grass regularly, edging, controlling weeds, mulching of landscape beds, pruning of trees and shrubbery, and removal of dead trees. Stumps from removed trees that can be seen from the street must be ground up.
- Each Owner is responsible for removal of debris, clippings, etc. from the property line to the center of the adjacent streets. No debris of any kind shall be blown or otherwise discarded into the street or onto neighboring property.
- All planting areas shall be properly maintained at all times, and after the first frost, all affected material shall be removed. The bare earth shall be covered with appropriate landscape mulch to prevent erosion and protect plants, shrubs and trees. Anything other than a wood color for ground cover needs ACC approval.
- Yard equipment shall be stored screened from view.

Landscape Beds, Trees, Bushes

The use of landscape beds allows an Owner the creativity to design and plant annuals, perennials, shrubs, bushes, and trees.

- Landscape Beds shall be maintained regularly, including edging, weeding, and adding seasonal indigenous bedding material, natural pine straw, wood mulch, pine nuggets, approved lava rock, or other landscape material, collectively known as mulch or mulching.
- Landscape beds that contain no plants, flowers, shrubs, bushes, and trees are prohibited.
- Landscaping shall relate to the existing terrain and natural features of the Lot and shall be in conformity and harmony of external landscape designs with existing standards of the neighborhood. If substantive change to beds/trees/bushes is proposed, the Owner should submit a Modification Request Form.
- A Modification Request Form shall be submitted for all edging material.
- Landscaping walls require ACC approval and may be made of either pressure treated timbers, stacked stone, cross ties or stones that match the color scheme of the home.
- Grading of all Lots shall, as much as possible given the natural contour of the Lot, force all water to the street or into established drainage systems. Changes to grading or to a Structure's gutter and downspout system shall not force water on to any other Lot or increase the flow of water previously flowing on to the Lot. Soil erosion shall be controlled.
- Landscaping shall be designed and installed so that it complements existing landscaping on the Lot. Lots at intersections of two or more streets and Lots on curves in streets shall not have landscaping that impairs the ability of drivers and pedestrians to see each other. Installation of aggressive spreading of plant species at or near the property lines is prohibited.
- Vegetable gardens shall be limited to areas as close as possible to the rear lot line of the main dwelling.

3.8 GARBAGE CANS AND WOODPILES

Garbage cans must be screened from all street views except on trash pick-up day.

Firewood piles must be located or screened so as to be concealed from all street views.

3.9 FENCE DESIGN STANDARDS

Location: Typically approved fences encompass all of the rear property with the home providing the majority of one border. As a rule, fencing shall exist in front of a point one-half the distance between the rear corner of the main dwelling and the front of the main dwelling. Fences on corner lots may be exempted from this standard by the ACC on a base-by-case basis. Exceptions may be approved by the ACC.

Material: Generally acceptable materials will be cedar or treated pine and vinyl. Black vinyl coated chain link fences will be allowed *except* that fencing facing the street must be solid wood or vinyl. Wood fences may be left natural, sealed with clear sealer, sealed with clear waterproofing compound, or painted in a color approved by the ACC so long as the entire fence surface is painted in the same approved color.

Construction. All posts and support structures will be placed on the interior of the fence so that they are not visible from the street or nearby Lots. When a new fence is being placed so that it will abut an existing fence, every reasonable effort should be made to use materials and construction techniques that are similar to or complement the existing fence.

3.10 RECREATIONAL EQUIPMENT STANDARDS

Basketball Goal Location. Basketball goals may be located anywhere within the building setback lines recorded in the Declaration which is twenty feet (20') from the front property line, except that they may not be attached directly to any building.

Basketball Goal Materials. Basketball goals shall be mounted on a black iron or steel post set in concrete according to the manufacturer's instructions. Backboards shall be clear or white plastic, fiberglass or Plexiglas; or white painted metal or wood. Hoops shall be painted metal with a rope net. Chain or wire nets are unacceptable.

Basketball Goal Maintenance. Basketball goals shall be maintained so they are safe to use and present a neat appearance. Rust shall be promptly eliminated and broken or missing components shall be promptly replaced.

Portable Basketball Goals. Portable basketball goals shall be allowed provided that colors and materials follow the same guidelines as permanent goals. Bases must be black or gray. Grass around goals must be maintained.

Other Acceptable Recreational Equipment Types. Other types of recreational equipment that shall generally be acceptable include: metal, plastic, and wooden swing sets, slides and movable play structures; and badminton and volleyball nets. Permanent or semi-permanent buildings or other structures

will generally be unacceptable unless professionally built using a style, materials and colors comparable to main dwelling and approved by the ACC with all applicable building permits and ordinances otherwise being adhered to by the Lot Owner.

Other Recreational Equipment Location. All recreational equipment (with the exception of basketball goals) referenced in these standards shall be located behind the main dwelling so that visibility from the street is restricted to the extent possible given the nature of the Lot. Badminton and volleyball nets may be temporarily located in front of the main dwelling (without ACC approval) if they are removed within 48 hours after installation. Corner Lots and Lots with unusual shapes or topography may be permitted by the ACC to deviate from this standard on a case by case basis.

Other Recreational Equipment Maintenance. All recreational equipment referenced in these standards shall be maintained in good repair so it is safe to use and presents a reasonably pleasing view if visible from nearby Lots.

3.11 SWIMMING POOL AND SPA STANDARDS

Above ground pools are not acceptable. Small, movable children's wading pools may be used behind a main dwelling without ACC approval if they are stored indoors when not in use.

Spas, hot tubs, or similar devices will generally be acceptable if placed in the rear of a Lot screened from view by a deck, lattice, or other method approved by the ACC. All plans must be approved by the ACC prior to construction.

3.12 LAWN DECORATIONS/STRUCTURES AND HOLIDAY DECORATIONS

All lawn decorations including but not limited to bird baths, arbors, trellises, rock gardens, ponds, waterfalls, statues, large figurines, or similar types of lawn decorations shall be located in the backyard.

Yard art or decorations such as small whirly gigs, small garden statues/animals, seasonal flags, and flower pots (to name a few examples) should be kept to a bare minimum and be in conformity and harmony of external design and the existing Standards of the neighborhood. These type of decorations should be kept in bedding areas next to the house

Holiday decorations, lighting, and other exterior decorative items must be removed within two weeks of the holiday season.

3.13 RETAINING WALL STANDARDS

Retaining Wall Design: Retaining walls shall be designed so that they will not fail under reasonably anticipated conditions and all plans for retaining walls must be approved by the ACC. Plans for retaining walls that meet the following conditions shall be certified by a professional engineer licensed to evaluate such a structure: (1) walls that extend to within two feet of a property line and are greater than four feet tall at any point along the wall; or (2) walls that are greater than six feet tall at any point along the wall. The cost of any engineer's review shall be borne by the homeowner.

Retaining Wall Materials: Generally acceptable materials for retaining walls include: railroad ties, treated landscape timbers, concrete, and concrete block (if completely covered by bricks, stacked stone, or stucco).

3.14 SIGN AND FLAG STANDARDS

Acceptable Signs: In accordance with the Declaration, no sign may be erected on any Lot without prior written approval except:

- (1) signs required by legal proceedings; and
- (2) one "For Sale" or "For Rent" sign per Lot provided such sign is in good condition and has a surface area of less than four square feet; and
- (3) one burglar alarm yard sign per Lot provided such sign is in good condition and has a surface area of less than 100 square inches; and
- (4) election campaign signs during any political campaign.

Acceptable Flags:

- (1) American flags may be displayed at any time so long as they are no larger than three feet by five feet (3' x 5') in size and are well maintained and not tethered nor torn.
- (2) American flags may be displayed on either a pole which is not larger than seven feet high and with a diameter of 3 inches or less, or on a staff attached to the house which may be no longer than three feet in length. All American flags must be placed on a pole or a staff which is within three feet of the front of the house.
- (3) Unless otherwise specified in 3.12 above, seasonal/holiday flags may be displayed for a period of time but should be removed shortly after the season or holiday.

3.15 STANDARDS FOR ADDITIONS AND OUTBUILDINGS

Additions and Changes to the Main Dwelling. Additions and changes to the main dwelling that alter the exterior of the Structure, including but not limited to addition of storage rooms and conversion of decks to sunrooms or screened porches, require prior, written ACC approval. Such additions and changes shall generally be approved if they do not violate County setback provisions and are professionally built using style, materials, and colors comparable to the main dwelling. Finishing of basements does not require prior ACC approval if there is no change to the exterior of the Structure. Such activity will require a County building permit.

Unattached Building. Buildings may be approved by the ACC if they are professionally built using a style, materials, and colors comparable to those used on the main dwelling. Prefabricated metal storage buildings will not be approved. All such building require prior, written ACC approval.