

Buckhead South Homeowner's Club, Inc.

PO Box 353, Richmond Hill, GA 31324 www.buckheadsouth.com

Serving the Hampton, Keller Crossing, and Tranquilla Hall communities

Architectural Design and Covenant Enforcement Procedures, April 1, 2018, as amended

DISCLAIMER: This document is a synopsis of some of the most commonly misunderstood covenants. This is not an all-inclusive document of all the covenants pertinent to Buckhead South. Refer to your covenant documents given to you by your attorney at closing, also located on www.buckheadsouth.com.

Architectural Review Committee (hereafter referred to as "ARC") approval is required prior to beginning work. No building, exterior wall, dock, walkway, sign, sign post, driveway, fence, mailbox, screening device, swimming pool, pier, playground equipment, or other structure, as determined by the sole discretion of the ARC shall be commenced, erected, altered, modified or maintained upon any Lot, nor shall any addition to or change or alteration which affects the exterior appearance of the Lot, nor any re-roofing, nor any change in color, stain, or painting of any Structure or door thereof, balcony, porch, deck, or fence, thereunto attached, nor clearing/removal of any trees or change of property grade be made, (collectively, all such activity shall sometimes be referred to as "Modifications"), until written plans and specifications showing the nature, kind, shape, height, color, type and color of brick, materials, location and grade of the same have been submitted to and approved in writing as to conformity and harmony of external design and general quality with the existing standards of the neighborhood and location in relation to surrounding structures and topography by the Architectural Review Committee (in its sole discretion) as outlined herein (collectively, an "Application"). **No ARC Application will be considered if the member is not in good standing. Good standing means current dues are paid, and the homeowner is in compliance with all covenants.**

The Architectural & Maintenance Review Guidelines are those of the BSHC covenants, and the ARC has full authority to enforce them. The Architectural & Maintenance Review Guidelines shall be made available to Owners who seek to engage in construction or maintenance upon any Lot, and Owners shall conduct construction and maintenance strictly in accordance with the Architectural and Maintenance Review Guidelines. The ARC may establish procedures, forms, conditions, and requirements for the submission of Applications; these as well as the Architectural & Maintenance Review Guidelines may be made available via the Club's website or other method determined by the ARC.

It is the BSHC Board's purpose to prohibit any improvement or change in the Existing Property which would be unsafe or hazardous to any personal property or individual; to minimize destruction or diminution of the view afforded to all Lots, to assure that the improvements and construction of Dwellings and Structures on the Existing Property will be of good and attractive design and in harmony with the natural setting of the area and serve to preserve and enhance the beauty thereof; and to assure the materials and workmanship for all improvements are of high quality and comparable to other improvements permitted on the Existing Property.

The Owner has complete responsibility for compliance with all covenants. This responsibility cannot be transferred to other parties, including but not limited to renters, contractors or agents.

Architectural Review Committee (“ARC”) Application Procedures

How to make an ARC application: This ARC application form is attached to this document as Page 9 and is also available on the website www.buckheadsouth.com. Whenever approval is required for any matter within the jurisdiction of the ARC, the person seeking such approval shall furnish the data required by the ARC, and no such submission (the Application) shall be deemed to have been made unless and until all required information has been received by the ARC and the applicant has received formal acknowledgement of receipt by the ARC. The ARC shall either approve or disapprove the design, location and proposed construction and clearing activities within thirty (30) days after complete plans and specifications have been formally submitted to it. If the Application is disapproved in any respect, the applicant shall be notified wherein such plans and specifications are deficient. The Board of Directors shall have the right, from time to time, to establish filing fees to defray the expenses of the ARC, which fees shall be paid at the time of submission of such plans.

Time limit on modification completion: All approved Applications shall be valid for not more than six (6) months from approval date. After said date a new Application is required. All modifications approved hereunder shall be commenced and completed in their entirety within six (6) months of approval date, unless other dates are subsequently agreed to in writing by the ARC.

When Approval is deemed granted: In the event the ARC shall fail to approve or disapprove an Application within thirty (30) days after acknowledgement receipt of Application and all the required plans and specifications therefore have been received by it, the Owner shall send written notice (via certified and first-class mail) to the BSHC President of the Owner’s intent to proceed with the modification as identified in the Application. Unless the ARC issues a written disapproval within seven (7) days or receipt of the certified copy of that notice then approval shall be deemed granted, unless a suit to enjoin the proposed construction has been filed prior to commencement of construction. An Application’s plans and specifications required to be submitted shall not be deemed to have been received if they are incomplete, contain erroneous data, or fail to present accurate and complete information upon which the ARC may be expected to base its decision. However, even if the requirements of this Section are satisfied, nothing herein shall authorize anyone to perform any Modification that is otherwise in violation of a provision within this Declaration or the Architectural and Maintenance Review Guidelines, or of any applicable zoning or other laws. No approval of an Application shall be valid unless issued in writing. Owners may not rely on any verbal approval or statements from any person as the approval required for an Application.

Changes to application: Any changes to an “Approved” Application’s plans, specifications, or scope of work, require the Owner to submit a revised Application to the ARC for review and approval of changes before proceeding with said project. The ARC shall have the power to order the dismantling or cessation of work it deems nonconforming in its sole opinion, and to enforce such order by any legal or equitable proceedings, including but not limited to, a proceeding seeking a temporary restraining order or other injunctive relief.

Post-Project Review is required: Upon completion of the project, the homeowner must notify the ARC and schedule the Post-Project Review. At least one ARC member will visit

with the homeowner to look at the final results to ensure that the project complies with the approved proposal. If the project is deemed not to be compliant with the approved proposal, changes will be required and fines may be assessed.

Architectural Design and Covenant Enforcement Guidelines

Animals, livestock and poultry: No animals, livestock or poultry of any kind (collectively "Animals") shall be maintained on a Lot or in a Dwelling, except that not more than five (5) household pets may be kept or maintained on a Lot or in a Dwelling, provided that they are not kept, bred, or maintained for a commercial purpose and that they shall not, in the sole discretion of the Board of Directors, constitute a nuisance or cause unsanitary conditions. What constitutes a household pet is up to the sole discretion of the BSHC Board of Directors.

All pet waste must immediately be removed by the pet owner from any common areas or on property owned by someone other than the pet owner and disposed of in an appropriate waste receptacle. BSHC does not accept responsibility for neighborhood animal control, including but not limited to, barking dogs, stray dogs, stray cats, or loose and roaming pets. Bryan County Animal Ordinance Controls shall prevail in BSHC. All animals must be confined to their owner's lot or dwelling, unless walked on a leash, as stated in Bryan County Animal Ordinance Controls, Section 9-108 and 9-114. Wandering animals should be reported directly by residents to Bryan County Animal Control (BCAC) at (912)727-3883 for capture and detainment and the owner is then subject to BCAC regulations and fees.

Carts: Golf Carts, All Terrain Vehicles, Scooters, Mopeds, Go Carts, motorcycles, dirt bikes, and Other Gasoline or Electric Powered Means of Transportation (collectively referred to as "Carts") shall be operated in accordance with all applicable state and county laws or ordinances. Many of the above vehicles require the operator (driver) to have a valid Georgia Driver Operator's license and comply with all State of Georgia and Bryan County applicable laws and ordinances and it is up to the operator and owner to know these laws. Carts are not permitted on any paths, easements, recreational facility, or Common Areas within BSHC existing property. In the event of a dispute as to whether a device is a "Cart" as used herein, the determination by the Board of Directors shall be controlling. The BSHC Board of Directors may adopt rules and regulations regulating the standards for use and operation of "Carts" within BSHC existing property.

Clotheslines: No clotheslines or other devices designed for drying clothes outside of a dwelling shall be permitted within the existing BSHC property. In the event of a dispute as to whether a device is a "Clothesline" as used herein, the determination by the Architectural Review Committee ("ARC") shall be controlling.

Driveways, Parking Pads and Walkways: No driveways, parking pads or walkways can be located within five (5) feet of the side boundary lines of a Lot. Notwithstanding the foregoing, driveways, parking pads and walkways can only be constructed on Lots at locations approved by the ARC in its sole discretion. Any changes to existing driveways,

parking pads or walkways must be approved in advance by the ARC using the above stated procedures. Driveways, parking pads and walkways can only be constructed of such materials as approved by the ARC, in its sole discretion.

Easements and Drainage: No structures may be placed within or on an easement area. No easement intended for the purpose of drainage may be altered in a manner that will modify drainage flow. Owners may not dispose of debris into the drainage areas.

Fences: The construction, reconstruction, alteration, and maintenance of all fences situated within the existing BSHC property must be approved by the ARC as required, prior to construction, reconstruction, alteration, or maintenance as the case may be. Additional requirements include, but are not limited to:

A. The appearance, materials and location of fences are subject to the approval of the ARC in its sole discretion. Acceptable fence standards including Dog-Eared, Board on Board, and Shadow Box are considered standard Privacy wood fence options. 3' minimum Wood picket fence is acceptable.

B. No fence can exceed six (6) feet in height.

C. No fence can be constructed on a lot nearer to the street than the dwelling side midpoint, with dwelling rear corners being optimum. The ARC may grant an exception to this requirement on corner lots or for special circumstances, at its sole discretion.

D. Approved fence materials: White/Beige Vinyl, Stained or Painted green/tan/brown earth tone wood, Black Wrought Iron or Aluminum. Cyclone or woven wire fence is only permitted on the back side and only if located adjacent to natural area and not adjacent to another property within BSHC. ARC has sole discretion to decide if cyclone fence is acceptable.

E. The exterior side of wood fences shall be the finished side of the fence.

F. New wood fence exteriors must be stained within six months of construction.

G. All fences must be maintained in good repair and appearance. Wood fences shall be maintained via wood preservative stain or paint, color to be approved by ARC. (Weathered wood fence is not permitted). All fences must be cleaned and free of green/black mildew and algae.

H. Swimming pool fences must be in compliance with all state and county ordinances. The ARC, in conjunction with county and state laws, shall have the right, in its sole discretion, to waive, modify or amend the above restrictions in regard to fences surrounding swimming pools.

Firearms, archery and hunting: No firearms (including but not limited to rifles, shotguns, pistols, pellet guns or BB guns) shall be discharged within the existing property. No archery equipment shall be shot or used within the existing property. No hunting or shooting birds, squirrels or other animals shall be permitted within the existing property.

Fuel tanks: No fuel tank or similar storage receptacle may be exposed to view on a lot. Fuel tanks or similar storage receptacles may be installed only within a structure, behind a landscape screening area, or buried underground, as approved by the ARC in its discretion.

Green spaces and Natural Vegetative Buffers belonging to BSHC: It is the intent of Buckhead South Homeowner's Club, Inc. to maintain our BSHC-owned spaces in accordance with the aesthetics of our woodland surroundings. **Green Spaces** are defined as maintained ponds, access ways to ponds, islands, and entrances. These are maintained by BSHC to be aesthetically pleasing and allow service access. **Natural Vegetative Buffers** are any BSHC-owned land that is not cosmetically maintained, but rather is left in a natural state. Natural vegetative buffers act as noise reduction and protection between developed areas and some roads, and as such it is BSHC intent to keep them as natural as possible. Downed trees, sapling growth, and other naturally occurring conditions are not removed unless there is an obvious safety concern.

Landscaping, Lawns and Trees: Street view, especially the front yard of property, is of primary concern and interest to our neighborhoods. If for any reason any part of a front yard lawn is damaged/dug up during construction, draining or septic issues, or largely destroyed due to neglect, it will be the homeowner's responsibility to replace said area with sod and restore to an original BSHC acceptable condition. Seeding is not an acceptable replacement for sod. Lawns should be maintained including at least twice monthly cutting during the growing season. The homeowner lawn ends at the curbing and must be kept clear beyond the curbing. No grass or leaf clippings generated by homeowner, tenant or lawn service can be left in the road or block drainage pathways. No live trees greater than 6" in diameter on a lot may be cut down until an ARC Permit has been issued.

Mailboxes and posts: Mailboxes, receptacles for delivery of newspapers and posts must match as an exact replica the original design and color of the development's mailboxes and posts.

Maintenance: All house siding, structures, fences, sheds, driveways and walkways must be maintained in good repair and appearance including being pressure-washed clean and free of green/black mildew and algae. The ARC and BSHC Board may establish, interpret, and enforce maintenance standards for the existing BSHC. These standards may vary over time; however, the variance shall not constitute a waiver by the ARC or the BSHC Board of the right to establish and enforce maintenance standards under this article. No ARC or BSHC Board decision or interpretation regarding maintenance standards shall constitute a binding precedent with respect to subsequent Board decisions or interpretations

Outside antennas: No outside radio or television antennae, dishes or discs shall be erected on a lot without the prior written approval of the ARC.

Parking: Homeowner/resident parking on a property, except to the extent allowed by a Conditional Parking Permit issued by the BSHC or by BSHC rules and regulations, requires that all automobiles, pick-up trucks, motorcycles, carts (as defined in Section "Carts" above), and all other motorized vehicles of any kind parked on a lot, must be parked in the garage, on the driveway, or other such approved concrete parking pads, and not within any grassed or

landscaped area. No Unauthorized Recreational Vehicles (as defined below) may be parked within an existing Buckhead South Homeowners Club property for more than a weekend, unless a Conditional Permit has been issued. In addition, Homeowners may apply for Conditional Parking Permits for the following preapproved Exceptions:

A. Boats on trailers, lawn trailers, jet skis on trailers, if parked/stored behind a 6' privacy fence (as described under section "Fences").

B. Recreational Vehicles may be parked in the driveway for additional days for the purpose of cleaning, trip preparations, active property projects, and daily vacation type usage.

Unauthorized Vehicles shall be defined as including the following:

C. An automobile, commercial type vehicle, recreational vehicles, pick-up trucks, motorcycles, jet skis, or the like shall be considered "disabled" if it does not have a current license tag or is obviously inoperable. (Collectively "Disabled Vehicles").

D. Any commercial vehicles (which shall be defined as vehicles containing visible evidence of commercial use, such as tool boxes, tool racks, ladders, ladder racks, or tow winches, and vehicle with commercial writings on their exteriors, [except for law enforcement vehicles marked as such], taxis, hearses, limousines, panel trucks, trucks with cargo load capacity of one ton or more, buses, or the like, (collectively "Commercial type Vehicles").

E. Any trailers, camping trailers, motor homes, recreational vehicles, boats, all-terrain vehicles ("ATV's"), golf carts, jet skis, or the like (collectively "Recreational Vehicles").

F. Any portable storage container, whether or not on wheels.

G. No disabled automobile, truck, motorcycle or Vehicle/Boat can be parked within the Existing BSHC Property for more than a week. Recreational Vehicles, automobiles, pick-up trucks, motorcycles or the like shall be considered "disabled" if it does not have a current license tag or is obviously inoperable.

H. No automobiles, pick-ups, motorcycles, Carts, commercial vehicles, or any other motorized vehicle of any kind, and no Unauthorized Vehicles shall be parked in streets or right-of ways of Common Areas within BSHC property on a consistent basis. The ARC will determine if a Homeowner is in violation. Street parking is discouraged by anyone, but when necessary, always park with the flow of traffic.

I. The Board of Directors shall have the authority, in its discretion, to establish the standards for the issuance of Conditional Parking Permits and exceptions based on individual homeowner's situations, circumstances, property lay out, and street views. The ARC shall have the authority to order the removal of any Vehicle type maintained or parked in violation of its Conditional Parking Permit. The costs of such removal shall be paid by such Owner of the removed Vehicle. In the event of a dispute as to whether a device is a "Vehicle" as used herein, the determination as such by the Board of Directors shall be controlling.

Pools and other backyard recreational structures: All play structures including play gyms and swings must be positioned behind a privacy fence or out of street view. Above ground pools are not permitted except for a temporary (seasonal) kiddie pool no greater in dimensions than 10' diameter and 24" depth and positioned behind a privacy fence or out of street view. Homeowners are permitted temporary (less than seven (7) days) air inflated slides and activity structures on their property. Swimming pool fences must be in compliance with all state and county ordinances and the ARC, in conjunction with county and state laws, shall have the right, in its sole discretion, to waive, modify or amend the above restrictions in regard to fences surrounding swimming pools.

Sheds/Storage Buildings: Auxiliary buildings such as, but not limited to, sheds, pool houses or pet houses must be approved by the ARC before construction by submitting an ARC Application form. All BSHC procedures must be followed, and permits obtained if required by Bryan County, *prior to the start of construction*. For BSHC purposes, a Shed is defined as a storage/play/lawn/greenhouse type structure less than 201 sq. ft. in size and requiring a BSHC ARC Application approval before installation. Structures over 200 sq. ft. are considered buildings and require not only a BSHC ARC Application approval but also any applicable Bryan County building permits. The BSHC approval process begins with BSHC receiving an ARC Application complete with dimensional building plans specifying all materials, exterior colors, site location on the homeowner's property, and landscape plans if necessary. Use these shed design standards:

- A. Gable roof line with minimum 2/12 pitch. No mini-barns.
- B. Roof: Shingles must match existing home shingles in design, style, and color. Metal roofs matching a home's primary color will be considered.
- C. Exterior Materials: Brick, vinyl over sheathing backer, HardiPlank or HardiPlank siding, LP SmartSide siding or T-111 Grooved Wood Siding are acceptable. Metal or vinyl (Rubbermaid type) buildings are not approved for installation.
- D. Vinyl and paint colors must match the home's main color and trim colors, or an ARC selection for aesthetic value.
- E. Floor: Concrete slab or wood floor required. Skid floor design with minimum 4x4 skids, 4x6 preferred. Exterior underside of shed skid floor design must be closed in so that shed appears to be sitting on the ground, not on skids.
- F. Building/shed should be positioned on homeowner's property as inconspicuous from the street view as possible. If the shed is not behind a privacy fence, shrubs/bushes with a minimum height of 36" should be planted to soften the appearance from the street view. Landscaping or plants similar in nature to our homes when built are deemed appropriate.
- G. Sheds must be maintained, such as pressure-washed or painted, and in similar condition to the home. Algae or mildew-covered exteriors are not acceptable.
- H. We recommend that all portable buildings be anchored into the ground to meet wind standards in hurricane zones.

Signs and banners: No signs shall be displayed upon a lot (or visible from the exterior of a dwelling) other than these exceptions A-H below. No other signs, including but not limited to directional signs, shall be placed anywhere within the Existing Property, Additional Property or Future Additional Property, including but not limited to rights-of-ways. Exceptions:

- A. Required by legal proceedings.
- B. A sign identifying the name of the contractor or lender during construction or remodeling of a dwelling provided said sign does not exceed five (5) square feet in area and said sign is only displayed for two weeks.
- C. A professionally made sign identifying a lot "For Sale" provided said sign is placed only on the subject lot and does not exceed five (5) square feet in area.
- D. One professional security sign not to exceed one (1) square feet.
- E. Seasonal School support signs.
- F. BSHC Semi-Annual Community Garage/Yard Sale Signs.
- G. "Congratulatory Signs/Banners" defined as, but not limited to, birthday, anniversary, birth announcement, party location, award plaques, are allowed on a temporary basis, meaning they must be removed within seven (7) days after installation.
- H. Additional signs/banners if deemed necessary and appropriate by the ARC may be approved by the Board of Directors for addition to a list of BSHC Approved Signs.

Trash containers: Trash containers are to be stored as inconspicuous as possible from "Street View". Trash containers may be placed by the street the evening before pick-up and removed from the street no later than the morning after pick up day.

Use restrictions: The BSHC Board of Directors shall have the power to formulate publish and enforce rules and regulations concerning the Existing Property, Additional Property or Future Additional Property. Lots shall only be used for private residential purposes for use as single-family dwellings. All Lots shall remain in compliance with Architectural Control at all times. Owner has complete responsibility for compliance with all covenants. This responsibility cannot be transferred to other parties, including but not limited to renters, contractors or agents.

END OF TEXT, ARC Form follows on Page 9

Buckhead South Homeowner's Club, Inc.

ARCHITECTURAL REVIEW (ARC) APPLICATION FORM

(Please submit the completed form to the ARC person responsible for your subdivision/area. The list of ARC members is available at www.buckheadsouth.com).

I would like approval for the following ADDITION or MODIFICATION to my home/unit:

- Exterior paint color(s). (Attach color chips for body and trim.)
- Landscape modification, includes tree removal (attach replacement tree type and sketch.)
- Shed/Storage Building (Must provide site plan and building plan).
- Fence (attach building plans showing location, dimensions, color and materials of construction.)
- Awning (attach building plans showing location, color and materials of construction.)
- Other (describe): Such as New Roof Shingles, etc.

ATTACHED:

- Building plans
- Site plans
- Brochure describing installation and/or material
- Photos of finished product from other sites
- Other:

Desired Start Date _____ Expected completion date _____ **(6-month time limit)**

Conditions for Review and Approval

1. All installations must be of professional design, quality and materials.
2. All installations must comply with conditions described in the applicable covenants.
3. All installations must comply with local building codes and ordinances.
4. Undersigned is responsible for including all appropriate information with application.
5. While a response is usually quick, the ARC is allowed 30 days for approval upon receipt of a completed form.
The form will not be considered complete until all necessary information has been received and an acknowledged receipt is obtained from BSHC.
6. Owner/Contractor is responsible for daily clean-up.

I agree to all the conditions for Review and Approval. I understand that I am responsible for all maintenance and repair of the requested site changes requested herein and such responsibility will be passed on to future homeowners of my property. I request that the ARC review and approve my application.

Name: _____ Email: _____

Address: _____ Telephone home/work: _____

Date: _____ Signature: _____

Approval signature _____ Date: _____