



## Wyngate Community-Wide Design Standards

### INTRODUCTION

The Architectural Review Committee (hereinafter referred to as the ARC) is comprised of homeowners within the Wyngate Community Association. The Covenants have granted the ARC discretionary powers regarding the aesthetic impact of design, construction and development including Architectural style, colors, textures, materials, landscaping and overall impact on surrounding properties.

This guideline is provided to form the basis for a common understanding of the design objectives and standards by all those involved in creating this community and most importantly by the present and future residents. These guidelines will be used by the ARC to review plans and specifications pursuant to the provisions of the applicable Declaration of Protective Covenants for Wyngate, recorded on October 11, 1988, in Deed Book 744, Page 600, Cherokee County, records (the “Wyngate Declaration” and the Master Declaration of Protective Covenants for the Town Lake Residential Area, recorded in Deed Book 679, Page 501, et seq., of the Cherokee County, Georgia records” (the “Master Declaration”). The ARC intends to be fair and objective in the design review process and impartial and understanding of individual goals, while maintaining a community-wide standard to protect property values.

One important aspect of maintaining the integrity of a residential community is to provide the Association with the right to review and approve changes to the exteriors of homes within the community. The Declarations strictly prohibits the addition of any structure, or the alteration of any structure, on any lot without the written approval of the ARC. This prohibition is very broad, and even includes the changing of exterior paint colors.

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 Design Standards, the ARC is authorized to apply or adopt different standards for different lots to reflect those differences. As an example, the ARC may allow a fence to be built from the rear corners of a house on one lot, but if another lot is a “corner” lot the fence coming off the rear corners of the house may be parallel to an adjoining lot’s front yard and would not be appropriate and thus not approved.

## **Who is subject to the approval process?**

All property owners are responsible for obtaining the necessary review and approvals to comply with the terms of the Wyngate Covenants, Conditions, and Restrictions. While the original builder of the home was responsible for new construction, the current homeowner is responsible for anything that is a modification or deviation from the original house and/or landscape plans. There are no exemptions or automatic approvals. **Homeowners may be fined for projects that are completed prior to receiving approval or may be required to return the property to preapproved condition, as this is a violation of the Wyngate Community Association Covenants.** Each application is reviewed on an individual basis.

## **OVERVIEW OF THE REQUEST FOR MODIFICATION PROCESS**

A Request for Modification form is an application which owners within Wyngate Community Association, Inc. must complete and submit for approval to the ARC before commencing any exterior changes to the appearance of a lot. Homeowners are requested to provide as much detail as possible when submitting a Request for Modification form to the ARC. This detail will eliminate confusion and reduce the time required to respond to the homeowner. Plans should be specific in nature and include such items as types of materials to be used, planned start/completion dates, types of plants, size of plants, and actual photographs or drawings of items/structures to be added when applicable. Plans should also be limited in size to work that can be completed in 12 month period. Any project must be started within 3 months of approval and if not completed within the 12-month timeframe must be resubmitted for approval. . Every Request for Modification will be responded to in writing within 60 days from the day all final documentation has been received.

## **SUBMITTING PLANS**

Complete the Request for Modification form. Submit the form and supporting documentation for approval to the ARC before making exterior changes to the appearance of a lot.

It is the Owner's responsibility to obtain any permits that might be required by any local or county ordinance. On major modifications such as swimming pools or home additions, the ARC may stipulate approval based on submitting a copy of the permit given by Cherokee County Building Department, and/or the Cherokee County Water & Sewer Authority in addition to ARC stipulations for the project.

Wyngate Community Association is not responsible for identifying any easement held by other agencies or organizations (such as utility companies) or any restrictions placed upon those easements. Property owners should consult the property deed and site plan for easements which might affect a planned addition or alteration.

## **What should be included with your Modification form?**

- **A detailed written description** of the proposed exterior modification or addition.

- **Color samples** – (this will be required) *no smaller than 24” by 24”* must be painted on the exterior wall of the house for review by the committee. List paint colors on the application. The documentation must specify manufacturer, color name, and color number if applicable (ie., Benjamin Moore – Toasted Almond HS 1018.)
- **A site plan of the property** –detailing current and proposed footprints, including house, driveway, sidewalks, decks, patio retaining walls, etc., existing trees and landscaping. Indicate on the site plan the size and exact location of the proposed project. Include: property lines, setback and easements, drawings of structures, elevation changes, material, finish & any construction details. All proposed improvements should be dimensioned to properly locate them from the house or property line.
- **A landscape plan** must show placement, number, species and size of proposed landscape additions.
- **Photograph(s)** of the existing condition, i.e. photo of rear elevation if submitting for a rear sunroom addition. Photographs of the home and/or project area help in the decision-making process.
- **A brochure**, detail sheet or catalog photo of proposed material, if applicable.

Plans submitted for Modifications review must comply with all applicable building codes, zoning regulations and the requirements of all agencies having jurisdiction over the project. It is the responsibility of the Applicant to obtain all necessary permits, inspections and final Certificate of Occupancy.

**Where do I send my modification form?**

All submitted plans together with photocopies of all plans and documentation become the property of the ARC and will not be returned, but filed for future reference and verification. No letter or other form but the Request for Modification form will be accepted.

All supporting documentation including architectural drawings/photographs, landscape plan, site plan, and description of materials should be included and either dropped off or mailed to:

**Wyngate Community Association, Inc.**  
**1007 Towne Lake Hills East, Suite 300**  
**Woodstock, GA 30183**  
**770 575-0943**

**<http://wyngateonline.com/>**

## **THE REVIEW PROCESS**

The ARC reviews applications on a regular schedule each month. Please note, the Property Manager and the ARC are not obligated to provide interim or final approval of any request in less than the indicated sixty (60) day interval. All requests will be referred to the ARC for consideration at the next scheduled meeting.

For Moderate or Major Projects, or any submittal that is approved with stipulations, the Property Manager should be contacted, within seven days (7) of completion, to schedule an on-site review for verification and conformance with the approved submittals. Notifying the Property Manager as to completion and scheduling the time of review will be the responsibility of the applicant.

On-site inspections by the ARC and/or property manager may be necessary in the review process to assess the impact the request may have on neighboring properties. The ARC may, at its sole discretion, inspect the state of the approved project anytime until it has been signed off.

### **How will I know if my project is approved?**

The Declaration requires all modification requests to be reviewed and a written response be delivered to the homeowner within 60 days. The Property Manager has the responsibility of conveying the decision made by the ARC.

After the ARC reviews the modification request, the ARC will respond in writing to the homeowner with one of four decisions:

- Approved as submitted. The plan was accepted as documented and the homeowner can begin the requested changes, immediately.
- Approved with stipulations. The plan was accepted with specific conditions provided. The homeowner should review the conditions and if in agreement, can begin the requested changes immediately. If the homeowner is not in agreement with the conditions required by the ARC, the owner may re-submit revised plans.
- Disapproved. If the plan was denied, an explanation will be provided. In many cases, the ARC will recommend one or more alternative solutions. If the homeowner is receptive to one of these solutions, they simply need to submit a letter detailing what they are going to do to resolve the problem. The ARC must approve the homeowner's plan before the homeowner can proceed with the request.
- Deferred decision pending additional information.

Once plans are formally approved by the ARC, the homeowner may immediately begin working on the improvements or alterations. All work must be done in accordance with the plans as approved by the ARC. Plans should also be limited in size to work that can be completed in a 12-month period. Any project must be started within 2 months of approval and if not completed within a 12-month period must be resubmitted for approval.

## **FINAL REVIEW**

The Committee's final approval of your project application constitutes a binding agreement between the Applicant and the Association. Any deviation from the approved plans must be resubmitted to the Committee for approval. A Committee decision is based on a simple majority and shall not be arbitrary or capricious.

## **APPEALS**

Within 14 days after a decision has been rendered, the Applicant or affected parties may file a written appeal with the Wyngate Community Association, Inc. Board of Directors at the address specified above.

Technical design information supporting the appeal request must be included with the request. All appeals will be reviewed on a case-by-case basis, and the granting of an appeal for one residence for a particular situation does not imply or warrant that a similar appeal would be granted on another residence.

Each case will be reviewed on its own design merits, and in keeping with the overall objectives of the Design Guidelines.

Please remember that if the applicant files an appeal based upon an application denial, and the ARC deems it necessary to hire a third party expert, the fees associated with retention of this third party expert shall be passed onto the applicant.

## **ENFORCEMENT**

If a homeowner proceeds with modifications or additions without prior written approval by the ARC, the homeowner may have to correct any resulting deviations from the Design Standards at his/her own expense. Furthermore, if the required corrections of the violations are not implemented within the time allowed, no less than 30 days from the time of the violation notification, the homeowner will become subject to the enforcement process and fines deemed reasonable by the Board. Fines may be implemented representing a lien against the property.

## **HELPFUL HINTS**

Although neighbors' approval may not be necessary, it is always a good idea to discuss your intentions with any neighbor immediately facing your home, whether they will see the results of your project or not.

Homeowners submitting requests to install fencing, plant materials which may eventually encroach upon property lines, other modifications on or close to the property line, or any modification which may impact your neighbor in some way, should particularly be discussed with your neighbor prior to signing and submitting your request forms to the ARC. This could alleviate any potential friction with your neighbors and ensure that your project isn't delayed later by neighbor objections.

## **DISCLAIMERS**

The Design Standards set forth herein have not been reviewed for engineering or structural design or quality of materials. Standards have been adopted solely on the basis of aesthetic considerations. Therefore, no one should use or rely upon these Design Standards as

standards for structural integrity or soundness of design for any construction or modification of a structure or for ensuring compliance of any activity or construction with building codes, zoning regulations and other governmental requirements. By approving such plans and specifications, neither the ARC, the members thereof, nor the Wyngate Community Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications.

Neither the Wyngate Community Association, the ARC, the Board, nor the officers, directors, members, employees, and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any owner of property affected by the Declaration by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval, or failure to approve or disapprove any such plans or specifications.

It is the sole responsibility of the homeowner to ensure that structures are safe. Approval of any type of structure, including children's playsets, by the ARC in no way guarantees the safety of individuals.

# **I. EXTERIOR HOUSE STANDARDS**

## ***A. Paint / Siding / Brick***

Any change to the exterior color of the house from the last approved color including, but not limited to, doors, shutters, trim, brick and siding must be approved by the ARC. When changing the exterior house color a large swatch 24" x 24" of the paint sample must be painted on the wall of the house for committee review. The application must list/specify the manufacturer, color name, and color number if applicable (ie., Benjamin Moore – Toasted Almond HS 1018.)

The exterior colors of the walls and roof shall conform to be compatible and harmonious with the colors of nearby single-family residential structures. Highly reflective and bright colors are unacceptable.

All predominant colors which are the large areas of the painted walls shall be in subdued colors. Secondary colors shall be compatible with the predominant colors and be limited to architectural details such as fascia, frames, shutters, front door, etc.

## ***B. Roofs***

New roofs should follow the same style and color standard originally installed by the builder. All new roofs should be architectural shingles. The roof should include appropriate industry standard shingle warranty and all exceptions must be approved by the ARC. Change in color must be approved. The industry standard color, Weatherwood is the most often selected color that blends with most home colors.

All homes rooflines should have installed gutters. Various non-clogging gutters designs are acceptable.

## ***C. Front Porches and Lawn***

No artificial trees, plants, flowers, plastic chairs or plastic benches are allowed at the front of the home, with the exception of door wreaths.

Porch and lawn furniture shall be wood, wrought iron or faux wood or metal.

Items and objects not regularly used on porches in the community shall not be stored on any front porch.

## ***D. Doors / Windows / Shutters***

### Window Treatments

All window treatments facing the street must be lined in white or ivory to give the community a

common look from outside. The type of window treatments may include, but are not limited to, white sheers, white blinds, white plantation shutters, or white lined curtains.

Any deviation to other coverings on the window will be considered on a case by case basis; this includes, but is not limited to stained glass panels, plastic art window coverings, window film, stained wood window coverings.

### Materials and Design

Original window material and design for Wyngate are wood, double-hung formats. Storm windows are not permitted on front windows. All windows were originally installed with both muntins and mullions, and any removal or installation of windows without these elements must be approved in advance by the Board of Directors or the Architectural Review Committee. Any change in grill pattern requires ARC approval. i.e. Colonial to Prairie or Gothic styles, and so on.

Colored lead glass doors may be permitted in front of the house, when approved by the ARC.

The HOA has identified acceptable non-rot alternatives to wood windows. Homeowners desiring to install a window made of a material other than wood may submit an application, with samples, to the ARC for review and approval.

The change of glass from regular to Low-E and changes in grill placement, (ie between glass panes, pop-in grills, or architecturally correct grills) may be approved, provided the change is made to all windows of a particular façade of the home, (naturally excluding leaded glass or stained windows), and the grill patterns match existing patterns of that home. Cellular PVC and other synthetic window trim pieces, excluding vinyl, that are **marketed and warranted as being able to receive and retain paint**, may be used to replace identical wood trim **without prior approval** from the ARC, so long as the replaced trim is painted to match the existing trim.

### ***E. Decks / Patios / Lattice Work***

New composite materials or low maintenance decking such as TREX, must be submitted for approval before utilization. Vinyl decking and railing products are not approved materials. All decks must be natural wood color or stained in a natural wood color. Deck railings may be painted the color of the trim on the house if first approved by the ARC.

All plans to build new or expand existing decks, patios and lattice work must be submitted to the ARC for approval. Homeowners shall concurrently submit a landscaping plan to address areas under and around the deck.

### ***F. Satellite Dishes' Antennas***

The installation of antennas, satellite dishes and other similar or related equipment or apparatus for the transmission and/or reception of television or radio or other signals shall be subject to these Design Standards and the FCC Rule entitled "over-the Air-Reception Devices Rule, 47 C.F.R. Section 1.4000 ("FCC Antenna Rules") as they may be hereinafter amended from time to

time. In the event of any inconsistency between these Design Standards and the FCC Antenna Rules, the FCC Antenna Rules shall prevail and govern. Satellite dishes, to the extent possible, should be located as inconspicuously as possible consistent with proper operation.

Antennas, other than satellite dishes for television reception, are not permitted.

### ***G. Air Conditioning Unit:***

No window units are permitted.

### ***H. Screened Porches, Sunrooms & Room Additions***

Detailed plans including, but not limited to: elevations, a list of all materials, windows; roofing; siding (if any), decking, color selections, must be submitted when applying for new sunrooms, screened or unscreened porches and other room additions to the home. Materials must be consistent with materials on the existing home and painted or stained to match.

### ***I. Stoops, Porches, and steps***

. All additions and modifications must be approved by the ARC.

### ***J. Awnings***

Awnings must have ARC approval. Awnings should be consistent with the visual scale of the home. Color of awning must blend with existing color scheme for the house. Canvas awnings may be used on the side or rear of residences with ARC prior approval.

### ***K. Chimneys***

Chimneys framed to receive prefabricated fireplaces and flues must be finished in appropriate materials and colors to blend with the primary house decor. Chimney caps must be fabricated metal painted an approved color and shall be maintained to prevent rust.

### ***L. Solar Panels***

Solar panels may only be erected with the prior approval from the ARC .

### ***M. Garages***

No garages may be converted into living space. Garages are intended for vehicles and homeowners are encouraged to make use of such. Garage door style must be in keeping with harmony of surrounding architectural styles. Carriage style doors may be permitted, after ARC review.

## II. Exterior Lot Standards

### **A. Driveways / Walkways**

Any changes to existing or new hardscapes including, but not limited to driveways, walkways and patios, require specific approval of the ARC prior to construction. It is recommended that a professional contractor be used for all hardscape construction.

No improvements, modifications, or additions shall be erected, constructed, placed, altered, remodeled, maintained or permitted to remain on any portion of the development unless such improvements, modifications, or additions are in strict compliance with these Community-Wide Design Standards. No construction shall be commenced or permitted which is inconsistent with, in addition to or materially different from any previously approved plans or specifications unless and until the plans reflecting such change or additions have been submitted to and approved by the ARC in accordance with these Design Standards.

No roll off dumpster may be placed on the public street. All dumpsters on Lots must be approved in advance.

### **B. Vehicles**

1. For the purpose of Article VI, Section 4 of the Master Declaration, Article VI, Section 9 of the Wyngate Declaration and for these rules and regulations, “commercial truck” shall be defined as follows:
  - any panel trucks,
  - trucks with a cargo-load capacity of one ton or more,
  - Vehicles typically used “for hire”, including, but not limited to, limousines and taxis (regardless of whether such vehicles are used “for hire” or for personal use), full-size vans (excluding vans specifically 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),
  - vehicles containing visible evidence of commercial use (such as tool racks, ladders, ladder racks or tow winches); provided, however, that vehicles with empty ladder or tool racks or standard tool boxes shall not be considered a commercial truck; and
  - vehicles with commercial writings on their exteriors, including, but not limited to, vehicles with vinyl wrap advertising businesses, services or products. Marked law enforcement vehicles used for such purpose are specifically excluded from the definition of commercial truck.
2. Commercial trucks are prohibited from being parked in the Community except: (1) in garages with the garage doors closed; or (2) in the case of service vehicles, on a temporary basis during daytime business hours or during emergencies for the purpose of serving a Lot.

3. Boats, recreational vehicles, motor homes, trailers, motorcycles, minibikes, scooters, go-carts, golf carts, campers or mobile homes must be parked in the garage with the garage door closed; provided, however, such vehicles may be parked in the Community on a temporary basis not to exceed 24 consecutive hours. For the purpose of this provision, "temporary" shall mean no more than twice a year for a period not exceeding 24 consecutive hours.
4. Disabled and stored vehicles are prohibited from being parked in the Community longer than five (5) days. A vehicle shall be considered "disabled" if it does not have a current license tag or is obviously inoperable as provided in Article VI, Section 4 of the Master Declaration, Article VI, Section 9 of the Wyngate Declaration. After five (5) days, such vehicle shall be considered a nuisance and may be removed from the Community. Recreational vehicles, boats, and similar vehicles stored or kept in the Community for longer than twenty-four (24) hours shall be considered a nuisance and may be towed.
5. Garages are not intended for storage. Residents are encouraged to park the maximum number of permitted vehicles for which the garage is designed in the garage.
6. Vehicles may not be parked on any grass or landscaped areas on Lots.
7. If any vehicle is parked in the Community in violation of the Declaration or these rules and regulations, the Board or agent of the Association may tow the vehicle after 10 days' written notice,. Such notice shall: (1) be placed on the vehicle; (2) specify the nature of the violation; (3) warn of possible towing; and (4) state the name and telephone number of a person to contact regarding the violation. If 10 days after such notice is placed on the vehicle the violation continues or thereafter occurs again within six months of such notice, the Board or agent of the Association may have the vehicle towed in accordance with the original notice and without further notice. If a vehicle is parked in a fire lane, is blocking another vehicle or access to another Owner's or Occupant's Lot or dwelling, is obstructing the flow of traffic, is illegally or improperly parked on any Common Property, or otherwise creates a hazardous condition, no notice shall be required and the vehicle may be towed immediately from or on any Lot or the Community Property.
8. The Association's right to tow is in addition to, and not in limitation of all other rights of the Association, including the right to assess fines for violations of the foregoing rules and regulations and the terms of the Declaration.
9. Any vehicle parked in the driveway with a custom car cover shall follow all the same rules regarding length of parking. No tarps or other coverings are permitted on vehicles.
10. As a general rule, parking of vehicles on the street is prohibited. Temporary parking (4 hours or less) is allowed if not a nuisance to neighbors or impediment to traffic

flows. Homeowners are responsible for guest parking and must ensure that guest's park in a safe manner and do not impede access to other driveways and traffic.

### ***C. Fencing***

All fencing must be approved by the ARC prior to installation. Fencing should be installed no closer to the street than the rear corner of the house and must extend to the property lines on all sides. Common fences are permissible with written permission of the neighbor; the common element shall be installed on the property line.

All fencing must be constructed from selections as shown in Exhibit A, attached.

**Wyngate Parkway Fencing - Lots that are situated adjacent to Wyngate Parkway, where fences are parallel to Wyngate Parkway, are required to use one approved fence design as shown in Exhibit A.**

### ***D. Exterior Lighting***

All exterior lighting shall be consistent with the character established in ARC and be limited to the minimum necessary for safety, identification and decoration, and must be approved by the ARC.

No high wattage commercial grade exterior lighting is allowed, including, but not limited to halogen or sodium vapor. Outside light posts with colored lens, lamps or bulbs of any type are not permitted.

Low wattage landscape lighting should be appropriate for the scale of the property. This type of lightning does not need ARC approval. If more than 12 low level lights are to be installed on the Lot approval is required.

### ***E. Signs***

No signs of any kind may be erected by any owner within the Community without the written permission of either the HOA or the ARC except: Such signs as may be required by legal proceedings.

No sign may exceed a maximum of four (4) square feet.

All signage must be printed by a commercial printing service. No handwritten or homemade lettering is permitted on any sign; this included phone number contact on signage.

No signage for any purpose may be placed property at the entrances of each subdivision or along Wyngate Parkway. No signs may be taped to any sign posts throughout the community.

Homeowners or their real estate agent may put a "For Sale" or "For Rent" sign in their front yard. "Open House" sign will be allowed on the lot for the day of the Open House only. Not more than one (1) "For Sale" sign per lot.

Political signs for local, state and national elections as administered by the Board of Elections for

Cherokee County are approved. Political signs may not appear in the yard more than 30 days prior to the election and must be removed one day after the election. Only one sign per candidate is permitted per lot.

Signage for home improvement projects done by commercial companies is permitted while projects approved by the ARC are in progress. Only one commercial contractor sign is permitted per lot during any approved project.

### ***F. Retaining Walls***

Retaining walls are a modification that requires ARC approval. It is the owner's responsibility to obtain any permits or certificates that might be required by any local or county ordinance. Retaining walls shall be constructed in strict compliance with same. ARC reserves the right to request more information including, but not limited to drawings and specifications.

Exposed concrete block or poured concrete foundations and site retaining walls must be covered with stone, brick, or stucco to complement the house materials. Retaining walls that attach to the residence should utilize the same materials as the wall that they adjoin. Crosstie timber walls may only be used if they are replacement for original or in the rear yard of the residence and are approved by the ARC.

### ***G. Yard Art and Ornamentation***

Yard statuary is discouraged and must be submitted to the ARC for review. Lawn ornamentation and structures including, but not limited to, bird baths, bird houses, bird feeders, statues, figurines, or similar types of accessories, may be placed in the front yard with a limitation of four (4) objects per lot. All other yard art and ornamentation should be located in the backyard and not in the front yard unless approved by the ACC.

Statuary, as defined here, does not include reasonably sized flowerpots or containers placed at or on the front entry or steps. Other statuary, such as but not limited to urns, animals, or human figures, should be modestly sized and displayed on or at the front entry, rather than in lawn or flower bed areas. Approval of additional statuary requests is solely at the discretion and aesthetic judgment of the ARC.

Statuary and ornaments submitted to the ARC for review must conform to the community wide aesthetic standards and must be made of either, wood, concrete, rock or metal; finished in traditional earth tone colors such as bronze, verdigris, black or natural-colored cement. Multi-colored or brightly-colored items are not permitted.

Fountains will be considered on a case by case basis, based upon design and consistency with surrounding landscaping and residences.

### ***H. Gazebos & Arbors***

Gazebos, arbors, etc. should be fully detailed (color samples, materials, site plan, elevations, details, etc.) and submitted for review. Site compatibility will determine approval of

modification.

## ***I. Outside Storage Containers and Sheds***

Outside storage solutions may be installed without prior approval if the following guidelines are met:

- Storage Solution must be of resin-based product (i.e., Rubbermaid storage box).
- Colors must be neutral and blend with surroundings. Typical colors would include tan or gray base with green or brown top.
- Container must be placed against the rear wall of the house to minimize visual impact to the community.
- Container is less than 50 cu.ft.

Any storage container or shed that does not meet the above guidelines requires specific approval by the Board of Directors.

Any outside storage solution, commonly called a shed, designed with walk in access must be approved for design and placement by the prior to installation. Sheds must be constructed in the same materials as the house. Any shed location must be out of line of sight of the street. Approval of adjacent lot owners may be required. Corner lots are subject to additional requirements.

## ***J. Animals and Pets***

No animals, livestock, or poultry of any kind may be raised, bred, kept, or permitted on any Lot, with the exception of dogs, cats, or other usual and common household pets in reasonable number. No pets may be kept, bred or maintained for any commercial purpose.

Dogs which are household pets, must at all times, whenever they are outside a Lot be confined on a leash. Without prejudice to the ARC's right to remove any such household pets, no household pet that has caused damage or injury to any other party or property, may be walked in the Community.

When walking a pet, it is the owner's responsibility for cleaning up pet's waste.

## ***K. Animal Houses***

Animal house exterior colors and materials must relate to the exterior of the house or neutral in color. The structure should be completely screened from any view from surrounding properties and roads, and be discreetly located so as not to cause a nuisance to neighbors. Clothesline and/or fenced "dog runs" are not allowed.

## ***L. Garage Sales***

Residents of the lot may have garage sales on an infrequent basis; no more than two yards sales a

year are permitted beyond community sponsored events.

### ***M. Unsightly or Unkempt Conditions***

The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken in any part of the Community. Naturally, if these activities are undertaken within the owner's own garage, has no adverse effect on the neighbors, does not create odors or noise pollutants and doesn't affect the condition of the owner's property as seen from the road, they would not be brought to our attention.

### ***N. Subdivision of Lots***

No Lot may be subdivided or have its boundary lines changed without the consent of the Wyngate Board. Furthermore, such division boundary line change or replatting, if approved by the Board, may NOT be in violation of the applicable subdivision and/or zoning regulations.

## **III. RECREATIONAL AMMENITIES**

### ***A. Swimming Pools: Spas / Whirlpools***

All swimming pools must fit naturally into the topography of the proposed lot and be located to provide minimal visual impact to surrounding properties and streets. All pump, filters, and equipment for spas must be located where it will not cause a nuisance to neighbors and must be screened from view. (In our experience, this is the area of most contention by neighbors and as such we recommend that you talk to them before submitting any plans to the ARC.)

Above-ground pools of any type are not permitted.

Wading pools, less than 12" in height, are permitted in the rear yard and must be emptied and stored at the end of the day. Wading pools must be stored out of view from the street every night.

All in-ground pools, spas or whirlpools must be approved by the ARC. Homeowners must submit a detailed site plan with the Request for Modification including, without limitation, the following:

- Pool location, size and shape
- Hardscape locations (decks, walls etc.)
- Equipment location and landscaping plan to conceal it from the view of the street and neighboring properties.
- Overall landscaping plan.
- Description of all materials to be used for construction of the above items.
- Projected start and finish dates.

## **B. Hot Tubs**

Hot tubs must be approved by the ARC. Homeowners must submit a detailed plan showing (1) proposed location of the hot tub relative to the house, deck and property lines (2) the position of the heater and other equipment (3) lighting and (4) related landscaping and or lattice screening.

## **C. Outdoor Living Spaces:**

All spaces, including, but not limited to kitchens and fireplaces, must be approved by the ARC. The spaces must fit into the topography of the lot and be located to provide minimal visual impact to surround properties and streets.

## **D. Play Equipment: Children's Play Sets / Trampolines / Tree houses / Play- houses / Swing Sets**

All play equipment must be approved by the ARC. A landscaping plan must be submitted concurrently if approved equipment cannot be positioned out of view of the street. Children's play equipment or swing sets must be located in the rear yard where they will have minimum visual impact on adjacent properties and streets. The equipment must be manufactured of natural wood, or natural wood appearance, and accessories should be in earth tones or neutral colors.

No metal A-frame play sets/swing sets are permitted. Tree houses are permitted pending ARC approval.

Extreme sports apparatus such as skateboard, in-line skate and bike ramps are not permitted.

All outside activity involving sporting equipment must cease thirty minutes after sunset.

## **E. Basketball Goals**

Basketball goals cannot be affixed to the house, or be placed in the street. Permanent goals require ARC approval. Portable basketball goals are permitted. All portable goals may not obstruct traffic. Permitted basketball goals must be kept in good appearance. Backboards must be a clear or neutral color. All nets must be maintained in good condition.

All outside activity involving sporting equipment must cease by thirty minutes after dusk.

## **F. Gardens**

Gardens may be planted behind the rear setback lines without approval if the plot is limited to 150 square feet and the maximum height of the plants is less than 4'. All plots must be maintained at all times.

## **IV. YARD MAINTENANCE STANDARDS**

### ***A. Bed Walls, Edging Material and Mulch***

Landscaping must relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Southeastern United States. The amount and character of the landscaping must conform to the precedent set in the surrounding community. The preferred landscape bed edging is a neat Y-5" deep trench. Other types of edging should be of natural colors and materials, and should be four (4) inches or less in height. Decorative, professionally installed, designer poured concrete edging shall be approved by the ARC prior to installation. The concrete coloring shall blend into the surrounding area and be at ground level. All mulched landscape beds should be covered with natural pine straw or chopped pine bark mulch or small nuggets of neutral and died color found for purchase in retail landscape locations in the area. No landscape gravel or white gravel or rock mulch is allowed in the front yard in place of natural mulch materials.

Landscaping that involves regrading must be approved by the ARC in advance, must conform to Cherokee County soil disturbance regulations, and must not adversely affect drainage flows onto adjacent or downstream properties.

### ***B. Plant Material***

Front yards must be sodded with Bermuda or zoysia, or other variety of dormant winter grasses. Any planting must have approval, except for annual color or replacement of shrubbery with like size and scale.

### ***C. Outdoor storage***

Garden tools and equipment must be completely screened from view. Preferably these items should be stored inside either garage or basement.

### ***D. Garbage Cans, Woodpiles, Hosepipes, Recycle***

All garbage cans, woodpiles, garden hoses, ladders, wheelbarrows, and/or any other similar utilitarian items, must be located in the rear yard and screened so as to be concealed from view of any neighboring Lot and/or from the street. In the rear yard tarps may be placed over woodpiles if the tarps are of neutral color and shall be maintained in good condition. No blue tarps are permitted.

Recycle bins, garbage and any garden waste may not be placed on the curbside earlier than 4:00 p.m. the night before collection and must be positioned off the street in such a manner that it does not create an obstruction for any oncoming traffic. All refuse containers must be returned to a screened location by 10:00 p.m. on the day of service.

Screens for garbage cans are permitted after sample of screen is submitted and approved by

ARC. All screens should be located behind the front building line of the house. If challenging topography limits location behind building line screen location must have approval of ARC.

### ***E. Yard Maintenance***

Lawns - front, side and rear - should be regularly fertilized, edged and mowed, beds mulched and weeded. Lots must be maintained to community standards. Lawn clippings and edging debris should be removed from sidewalks, curbs and driveways by collecting for proper disposal or by sweeping or blowing back onto the lawn. Do not blow or sweep into the street. Weeds must be controlled.

Pruning of trees, shrubs, hedges and other vegetation must be done so that the yard presents a healthy and manicured appearance and the visibility for motorists and pedestrians is not obstructed.

No yard debris including, but not limited to, grass clippings, dead limbs, rocks and leaves may be dumped where it is visible from adjoining properties or streets. Dumping of yard waste into creek area is prohibited by Cherokee County. No debris may be placed on common property.

All trees and shrubs that border community sidewalks should be pruned to not encroach within 12" of community sidewalks. No overhang of trees will be allowed over said sidewalks unless there is a minimum of 8' clearance between the surface of the sidewalk and the lowest overhanging limb.

No tree measuring ten (10) inches or more in diameter at a point one (1) foot above the ground nor any flowering tree may be cut without ARC approval. Exceptions to tree removal will be given by ARC for any tree for which the owner documents damage or disease. Generally speaking Bradford Pear tree removal is encouraged, but does require pre-approval.

## **V. MISCELLEANOUS**

### ***A. Firearms***

The use of any firearms in the community is strictly prohibited. The term firearms includes "BB", pellet and paintball gun, and air guns.

### ***B. Flags / Banners / Windsocks***

Flags and banners not larger than 3' x 5' are allowed to be hung in front of the house from a pole that is physically attached to the house. Windsocks may be hung at the rear of the property. Stand-alone flagpoles are not permitted in the front yard.

### ***C. Holiday Decorations***

Exterior holiday decorations may be displayed four weeks before the holiday and must be removed no later than two weeks after the holiday. Holiday decorations must not result in noise or light disturbances to adjacent properties.

### ***D. Mailboxes***

All mailboxes must conform to the approved Wyngate design standard. Only one (1) mailbox per Lot is permitted. Landscaping around mailboxes shall be limited to low plantings (mature plants less than 24" in height). Vines or other plant material, which will cover the entire mailbox and cover the residence number, are not permitted. All numbers on the mailbox must be painted gold to conform to the Design Standard. Exhibit B attached. Mailboxes shall remain free of decorations, wraps, ribbons, or other items except as permitted by the Board for holiday decorations in Section V, C.

It is also the homeowner's responsibility to keep the mailbox looking good and painted when needed. This is one of the areas where the ARC receives most complaints-shoddy looking mailboxes.

### ***E. Fire Hydrants***

Landscaping around fire hydrants are prohibited by the fire department and should be clear of any shrubs or bush. Low growing flowers are permitted, as long as they do not interfere with the tap mechanism.

### ***F. Electrical and Utility Boxes***

Any power box for electric service must have a 10' clear path from the street to the box for emergency power access. Phone or cable boxes should not have any vegetation that impedes service for the utility company.

## **EXHIBIT A Fencing**

Factors which will be considered for fencing approval:

- Existing requirements and restrictions
- Aesthetic appearance
- Impact on neighbors
- Consistency with neighborhood
- Visibility
- Obscurity by shrubs and plants
- Reduction in animals running loose
- Safety of Children

**Material:** Wood is the preferred material. Powder coated iron or aluminum fencing is permitted. Non-rot fence material is generally not acceptable for large spans of fence line, but small sections may be approved, but only after submission of sample material to the ARC committee. Chain link fences are prohibited

**Height:** Maximum height may not exceed six (6) feet.

**Color:** Wood fence color must be a natural wood color. Iron or aluminum fencing must be black. Clean sealers do not require an approval. Any color stain or sealer must be approved in advance of application. Painting fences is prohibited.

**Crossbeam:** Crossbeam structure shall not be visible from any street (must face inside toward yard)

**Pets:** Any fencing for dogs must be approved in advance and conform to any existing fencing on property.

**Location:** Fences shall not be located closer to any street than the rear edge of the home and must extend to the property lines on all sides. Corner lots: fence shall not be closer to any side street than the building line of the home and due to aesthetic impact on the neighborhood, privacy fences are typically not accepted on corner lots. They will be considered on a case by case basis.

**Privacy Fencing:** Limited to lots with a pool or Jacuzzi. Lots adjacent to Wyngate Parkway must use the approved fence design only.

### **CEDAR Standard Privacy Fencing**

- 4x4 Posts
- 1x6 Boards
- Cedar or comparable wood

- Maximum of two inch spacing between boards – if any
- Maximum of six (6) feet high
- Finished side must face exterior of lot and frames, posts and other support, must face into the property.
- Support posts must not exceed the height of the fence boards.



**Shadow Box**

- 4x4 Posts
- 1x6 Boards
- Cedar or comparable wood
- Three to Four Inches between boards covered on the opposite side by similar dimensions.
- This type of fence creates equal finishing on both sides.
- Supporting posts must not exceed the height of the fence boards.



**Cedar Split Rail Fences:**

- Where fences face Corp Property, fences must be erected at least 8 inches inside the owner's property.
- Wire mesh on interior portion is permitted. Mesh must be black in color and black stain is preferred for fencing.
- Two level or three level cross rail members are permitted



**Wrought Iron or Aluminum Fencing:**

- 5/8" Pickets
- 3 13/16" to 4" spacing between pickets
- 2" metal posts or 12" brick or stucco posts that match house
- 6 foot lengths between posts
- 42", 48", 60" or 72" Heights, only



### **Wyngate Parkway Fencing – Shadow Box**

- 60” height only
- 4” x 4” Posts
  - Must be topped with wood caps
- 1” x 6” Boards
- 8’ Sections
- 2” x 4” top rail cap
- Cedar, Pressure treated pine, or comparable wood
- 3” – 4” between boards covered on the opposite side by similar dimensions.
- This type of fence creates equal finishing on both sides.
- Fences must be stained Walnut Brown in color



**APPENDIX B**  
**Mailboxes**

All mailboxes, posts, number plaques and numbers must conform to Community Wide Standard. Example below:



**APPENDIX C**  
**Garbage Can Screening**

**GARBAGE CAN SCREENS**

All screen locations designs must be approved in advance of installation.

All screens must be designed as standard privacy fencing.

Dimensions of screen shall be such that the garbage can will not be seen from the street level or neighboring lot.

All screens will be installed behind the front home building line by at least three (3') feet. Exceptions will be granted only when practical use is limited due to topography.