

**ENGLISH OAKS HOMEOWNERS ASSOCIATION, INC.**

**DESIGN STANDARDS**

**November 8, 2001**

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## I. WHAT ARE DESIGN STANDARDS?

The Design Standards for English Oaks are created by the Architectural Control Committee (the "ACC") pursuant to Article V of the Declaration of Covenants, Restrictions and Easements for English Oaks (hereinafter, as the "CREs"). The purpose of the Design Standards is to add to and clarify the provisions in the CREs, but they do not amend any of the provisions of the CREs. If a conflict exists between the Design Standards and the CREs, the CREs will apply. Likewise, should a conflict exist between the Design Standards or CREs and the any applicable federal, state or local law or ordinance, such law or ordinance will prevail.

The covenants and conditions in the CREs as well as the Design Standards apply to the Lots themselves, and when a home is sold, the CREs and Design Standards pass automatically with the title transfer to the new homeowner. The existing homeowner should make all reasonable efforts to make the any new owner or occupant aware of the CREs and Design Standards. This effort should include, but not be limited to, leaving a copy of both the CREs and Design Standards in the house for the new occupants.

## II. THE APPROVAL PROCESS

2.1 General. Generally, ACC review is for aesthetic reasons only. ACC approval is not to be in any way construed as a statement as to the viability or suitability of the construction or compliance with any federal, state or local laws, codes or ordinances or safety standards. Approval is based on whether the proposed construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and the overall development. To preserve the architectural and aesthetic appearance of the development, the ACC reserves the right to grant final approval when the specified project is completed.

Improvements made to any lot or dwelling must be done in a professional and workmanlike manner consistent with the overall development known as English Oaks.

2.2 Application Fees. The fee structure is in place merely to offset the cost of the approval process. In general, there is either no fee or a fee of \$10.00. Fees are charged on a per application basis. This basic application fee will cover all requests submitted at the same time.

The \$10.00 fee covers the basic costs of handling the application, such as photocopying, but should the ACC require additional services at an additional cost, such as extensive photocopying or the employment of paid professionals, these costs will be charged to the applicant. However, no extra fee will be incurred without the consent of the submitting party. In addition, all blueprints required for the approval process must be submitted by the applicant; the ACC will not undertake to make copies of blueprints submitted. The request will be denied if the required application materials or payment for the required extra cost services is denied by the applicant. Reference: CREs, Article V, Section 5.14.

- 2.3 Application Forms. Application forms may be obtained by contacting the management company for the Association. The current management company and contact information is: Bob Powser, Access Management Group, 1100 Northmeadow Parkway, Suite 114, Roswell, Georgia 30076, Telephone 770-777-6890, x115, Fax 770-777-6916. The management company may be authorized by the ACC to approve routine applications.

Once a completed application has been submitted, including any applicable fees, drawings, plans or specifications, the ACC shall act on such application within twenty-one (21) days after receipt. If action has not been taken within the twenty-one (21) day period, the request shall be deemed to be approved. Reference: CREs, Article V, Section 5.09.

Approval must be obtained in writing before construction is started or the object (such as a swing set) is placed (except as stated below). Failure to obtain approval prior to project commencement will result in a fine subject to Article 8 of the Bylaws. Any fines assessed will have to be paid even if the project is subsequently approved. Furthermore, additional fines may be imposed in accordance with the CREs if unauthorized construction or improvements are not removed when requested in writing by the Board or ACC. Although fines may be imposed, if approval is requested after project commencement, the fines may be suspended while the application is pending. Reference: CREs, Article V, Section 5.12.

Notwithstanding the above, new residents shall have forty-five (45) days after move in to seek approval for locations of swing sets, dog houses and other household items that had to be temporarily placed or stored outside upon move in; however, such items shall be placed or stored temporarily only in the rear yard so as to minimize view by neighbors.

2.4 Implementation of the Approved Project. **Approvals are only good for a six (6) month period.**

An application must be resubmitted after six (6) months have passed if the original improvement requested has not been substantially completed. No additional fee will be charged providing plans have not changed. The ACC may disapprove resubmitted plans or altered plans due to changes in architectural policies for the betterment of the development.

Once approval has been given, no further approval under Article V of the CREs shall be required unless construction has not been substantially completed within six (6) months of the approval or unless the project has been modified from the plans and specifications approved by the ACC.

All materials relevant to a request will be kept on file with the application for a reasonable period of time. Each applicant should retain a copy of all approved plans for his own records. Reference: Article V, Section 5.07.

If the plans of an incomplete project are changed, approval must be requested for the modified plans. In general there will be no fee associated with this re-approval, unless the ACC determines that the changes are significant and warrant further fees.

The homeowner must take reasonable steps to ensure that a clean and uncluttered lot is maintained during the construction period.

**Construction must be substantially completed within six (6) months of its commencement.**

**III. ITEMS REQUIRING APPROVAL**

3.1 Additional Structures, Permanent.

Application Fee \$10.00 Initial Fine \$100.00 Daily Fine \$10.00

Except as set forth elsewhere in the Design Standards or CREs, no shack, shed, tent, barn or permanent structure other than the main dwelling will be permitted on any lot. Attached storage buildings may be approved. Application for approval of an attached storage building must be accompanied by specific plans and pictures.

Gazebos, hot tubs, decks, patios and other such amenities may be allowed with approval. They must be placed in the rear yard to minimize the view by neighbors.

Hot tubs in particular must be placed to prevent annoying neighbors during use. Gazebos should not be taller than twelve (12) feet at the highest point and have a diameter of not greater than ten (10) feet (if round or 5 or more sides) or a side of no more than seven (7) feet if square. Such items must be stained a natural wood color, stained in a color that complements the main dwelling, or left natural with a clear sealant. Application for approval must be accompanied by specific plans and colors (pictures when appropriate).

The foundation of any structure which is above finish grade shall be finished with veneer, stucco, siding, brick, stone or other approved material.

3.2 Additional Structures, Temporary.

Application Fee-None Initial Fine \$50.00 Daily Fine \$5.00

Approval may be granted for the placement of temporary structures (including, but not limited to, tents) for social functions and religious observances.

3.3 Exterior Changes, Major.

Application Fee \$10.00 Initial Fine \$100.00 Daily Fine \$10.00

No installation, construction or alteration of any structure shall be commenced on any Lot unless and until such installation, construction or alteration shall be approved by the ACC. Modifications to structures requiring approval includes, but is not limited to, the installation of awnings, canopies, patios and decks.

All alterations, modifications and additions to the structures on the Lot must be consistent in style and color with the building materials used in the main dwelling, including but not limited to, doors, trim, siding and roofing materials. Decks must be constructed of pressure-treated wood unless a different material is approved by the ACC. Decks must be stained a natural wood color, stained in a color that complements the main dwelling, or left natural with a clear sealant. See also Room Additions, Section 3.14.

3.4 Exterior Changes, Minor.

Application Fee - None Initial Fine \$50.00 Daily Fine \$5.00  
Nearly all conceivable minor modifications to the exterior of the main dwelling must have ACC approval, including, but is not limited to, changes in color and the addition of shutters.

3.5 Doghouses.

Application Fee-None Initial Fine \$50.00 Daily Fine \$5.00

No structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Lot unless and until plans and specifications, including building materials, finish and color, for such structure have been approved by the ACC. No more than two (2) doghouses per Lot will be allowed. The doghouse(s) must be placed in the rear of the Lot in an inconspicuous location and must not be placed within ten (10) feet of any property line.

3.6 Driveways and Sidewalks.

Application Fee \$10.00 Initial Fine \$150.00 Daily Fine \$10.00

Alterations to driveways such as the addition of parking pads or turn-arounds are subject to ACC approval. All alterations to sidewalks or walkways must be approved. In addition, any additions or modifications constructed of concrete or similar material are subject to ACC approval. Reference: CREs, Article VI, Section 6.11.

3.7 Fences.

Application Fee \$10.00 Initial Fine \$250.00 Daily Fine \$10.00

The placement of all fences (including electronic" fences) must be approved. All fences must either be electronic or one of the four styles shown below. There are not to be any variations from the picket styles shown below. The Privacy" fence is the only one that has a post that extends above the top of the fence. Also, all fences must be of a height that is listed in the table below for that type of fence. The application form must indicate the type and size of the proposed fence and be accompanied by a copy of the proposal from the fence company to install the fence, if any, and a drawing of the lot or a copy of the plat with the location of the house and the proposed fence clearly marked. All fences must be constructed of natural wood material and left unfinished unless a different finish is approved by the ACC. No chain link fences shall be permitted.

Split rail fences may be permitted, but shall be evaluated on a case-by-case basis. No wire netting or chicken wire shall be attached to any fence.

Fences may only be installed so that they are not closer to the front of the house than the back one-third of the house. The fence may extend from the rear one-third of the house toward the side property lines and then toward the rear property line. All fences must have the finished side on the outside.

The placement of invisible" electronic fences is governed by the same perimeters as other fences. Any application fee for the approval of such invisible electronic fences is waived by the ACC.

\* SEE THE ATTACHED EXHIBIT "A" FOR PICTURES OF FENCE TYPES

3.8 Landscaping, Major.

Application Fee \$10.00	Initial Fine \$250.00	Daily Fine
\$10.00		

Any alteration in the major focus of the landscape of a Lot must be approved. All changes in grade of the land in excess of six (6) inches requires approval. Changes in grade must not adversely affect drainage or neighboring lots. Specific diagrams and details must accompany requests for major landscaping changes.

Healthy trees with a diameter of six inches (6") or greater at a point twelve inches (12") above the ground shall **not** be removed without ACC approval, but the application fee is waived. It is permissible to removed diseased, damaged or dead trees without approval, but it is advisable to discuss the removal of such trees with immediate neighbors to prevent misunderstandings. All tree stumps must be removed or ground down to ground level.

See also, Section 4.3, Landscaping, Minor.



3.9 Lot and Exterior Maintenance.

Application Fee-None Initial Fine \$100.00 Daily Fine \$5.00

The exterior of the main dwelling, as well as all other accessory structures, including mailboxes and mailbox posts on the lot, must be properly maintained. Such maintenance includes repairing or correcting any peeling paint, mildew problems and building repairs that would otherwise detract from the aesthetics of the neighborhood. Any changes to the exterior color, including, but not limited to, siding, trim, shutters, and doors are subject to approval. Lawns and landscaping must be maintained in a clean, unsightly and appropriate manner, including, but not limited to, lawn mowing, the removal of dead shrubs and trees, and proper pruning of shrubs and trees.

3.10 Playhouses.

Application Fee-None Initial Fine \$50.00 Daily Fine \$5.00

Playhouses should be located in the rear of the Lot no closer than ten (10) feet from the property line. They must be free standing (not attached to trees or any building) and no taller than twelve (12) feet at the maximum point (including the tip of any roof or tent top). They may be either a commercially produced unit that is normally recognized as a toy (i.e., Little Tikes, Step 2, Fisher Price, etc.) or they can be constructed of the same materials as used in the main dwelling, including, but not limited to, siding and roofing materials or of a natural wood material. No non-commercially produced playhouse shall be constructed, placed or altered on any Lot unless and until plans and specifications, including building materials, finish and color, for such structure have been approved by the ACC. These structures must be maintained.

Structures that become faded or have not been properly maintained must shall be removed or repaired. There shall be no more than one (1) playhouse or play structure located on any Lot. No tree houses shall be permitted on any Lot.

3.11 Recreational and Playground Equipment, Large.  
Application Fee-None Initial Fine \$50.00 Daily Fine \$5.00

No recreational or playground equipment shall be installed, constructed or maintained on any Lot unless and until its size, location and construction materials have been approved by the ACC.

Except as set forth elsewhere in these Design Standards, all recreational and playground equipment must be located in the backyard and placed so that the view from the road is minimized. No equipment may be placed within ten (10) feet of any property line.

Swing sets and play yards must be principally constructed of natural wood material and stained a natural wood color or left natural with a clear sealant. They must be free standing (not attached to trees or any building) and no taller than twelve (12) feet at the maximum point (including the tip of any roof or tent top). A reasonable number of commercially produced playground equipment (other than swing sets and play yards), such as toddler slides, sand boxes, and kiddie basketball goals, may also be placed on a Lot without ACC approval, but they must be placed on the Lot using the same guidelines set forth above. See also, Basketball Goals, Section 3.12.

3.12 Basketball Goals and Backboards.  
Application Fee-None Initial Fine \$50.00 Daily Fine \$5.00

Basketball goals may be installed on the rear of the Lot, but shall be placed so that the view from the street is minimized and shall not be placed within ten (10) feet of any property line. Basketball goals may be installed adjacent to the driveway at a location so as to minimize the visibility of the backboard from the street (perpendicular to the street is preferable). The backboard must be clear plexiglass or white in color. The goal must be at regulation height (10 feet above the ground), and the pole must have a flat black finish. The ACC may also approve basketball goals attached to the residence. See also, Section 3.11, above, regarding kiddie goals.

3.13 Recreational Courts.

Application Fee \$10.00

Initial Fine \$100.00

Daily Fine \$10.00

No permanent recreational court, including, but not limited to tennis, volleyball and basketball courts, shall be installed, constructed or maintained on any Lot unless and until it is approved by the ACC.

3.14 Room Additions to Homes.

Application Fee \$10.00

Initial Fine \$250.00

Daily Fine \$10.00

All additions or alterations to the main dwelling must be approved prior to the commencement of construction. Professional plans and drawings or renderings must accompany any request for approval of such. Materials used must be consistent with those used in the main dwelling, including, but not limited to, siding, trim, color, roofing, doors and windows. Owner is subject to all local building codes.

3.15 Front Doors, Screen and Storm Doors.

Application Fee-None

Initial Fine \$50.00

Daily Fine \$5.00

The addition, alteration, or removal of front doors, screen and storm doors must be approved. As a general rule, if the main dwelling has a white trim, a white door is required. The storm door must be full view and be consistent with the trim in the main dwelling.

In the case of front doors, the material and color of it may be different than the house, but will be evaluated on a case by case basis.

3.16 Signs.

Application Fee-None

Initial Fine \$50.00

Daily Fine \$5.00

Except as set permitted by Article VI, Section 6.08 of the CREs, no sign shall be installed or maintained on any Lot unless and until the ACC has approved the plans and specifications of such sign.

However, one (1) sign that is not more than four (4) square feet in area indicating support for a candidate or issue in an upcoming political election shall be permitted without ACC approval; provided, however, such sign may not be installed more than fourteen (14) days prior to the election and must be removed within twenty-four (24) hours after said election.

3.17 Swimming Pools, Ponds.

Application Fee \$10.00      Initial Fine \$250.00  
Daily Fine \$10.00

No swimming pool, fish pond, or other type pool or pond shall be constructed, installed, or maintained on any Lot unless and until approved by the ACC.

No above-ground pools shall be permitted, only in-ground pools. A Stockade or Privacy fence, as described in Section 3.7, must be placed to completely enclose the swimming pool. All pools and ponds must be located on the rear of the Lot. Small, temporary kiddy" wading pools no larger than 6 ft. x 6 ft. x 2 ft. are permitted to be placed in the backyard without approval from the ACC; provided, however, such wading pools must be stored inside a structure when not in use.

3.18 Trampolines.

Application Fee-None      Initial Fine \$50.00      Daily Fine \$5.00

No trampoline shall be placed, installed, or maintained on any Lot unless and until the location and size of such trampoline is approved by the ACC. Trampolines, like all recreational and playground equipment, must be located in the rear yard within a Stockade or Privacy fence, as described in Section 3.7, so as to minimize the view from the road. See also, Recreational and Playground Equipment, Section 3.11.

3.19 Fountains, Birdhouses, Yard Art, Etc.

Application Fee-None      Initial Fine \$50.00      Daily Fine \$5.00

No yard art," including, but not limited to, fountains, bird baths, birdhouses, wagon wheels, water pumps, religious statues, windmills, animal statues and other wildlife structures shall be placed, erected, installed or maintained on any Lot unless and until approved by the ACC.

Such items or structures must be of stone or natural wood finish. Exceptions are holiday decorations or new baby decorations, which may be displayed without ACC approval for appropriate lengths of time and must be appropriate in nature.

3.20 Solid Waste, Garbage Cans, Trash Cans and Recycling Bins.  
Application Fee-None Initial Fine \$25.00 Daily Fine\$5.00

No receptacle for the storage of solid waste, trash or recyclable materials may be stored outside of the home, except in a screened area or enclosure approved by the ACC. All such screened areas or enclosures must be located in the rear of the yard. **[Add other design details?]** Trash receptacles and recycling bins may be brought to the street curb for pickup on the day for pickup designated by the local sanitation department, but must be removed from the curb the same day after such trash and recycling is picked up by the sanitation department.

All trash, recycling, and lawn debris that is placed at the street curb for pickup must be in a container that is approved by the local sanitation department for the storage or disposal of such material.

**IV. ITEMS THAT DO NOT REQUIRE APPROVAL**

The following items do not require approval from the ACC so long as the standards set forth below are met. Any items not conforming with these standards must be approved by the ACC, but no application fee shall be required. For violations of the following items: Initial Fine \$25.00, Daily Fine \$5.00.

4.1 Gardens.

All vegetable and flower gardens must be located in the rear of the Lot. All gardens must be no larger than 200 square feet in cumulative area for all such gardens located on the Lot.

All gardens (flower and vegetable) must be maintained free from dead plants and weeds. Gardens which exceed these standards should be submitted to the ACC for approval.

4.2 Interior Improvements.

No approval from the ACC is required for interior improvements, alterations or modifications, but if an interior

alteration or modification involves a change in the exterior appearance of the structure, approval by the ACC is required. See also, Exterior Changes, Sections 3.3 and 3.4.

4.3 Landscaping, Minor.

Any alteration in the major focus of the landscape must be approved by the ACC. For example, planting of a sapling that will grow into a large tree must be approved, but the planting of seasonal flowers or small ornamental bushes does not require approval. See also, Landscaping, Major, Section 3.8.

4.4 Antennas, Satellite Dishes.

Except as set forth herein, no approval shall be necessary to install (a) antennas designed to receive direct broadcast satellite services, including direct-to-home satellite services, that are one meter or less in diameter or diagonal measurement;

(b) antennas designed to receive video programming services via multi-point distribution services that are one meter or less in diameter or diagonal measurement; or (c) antennas that are designed and intended to receive television broadcast signals. All such antennas and satellite dishes shall be installed only on the rear of the house or Lot and shall not be visible from the street. No antenna or satellite dish or similar device shall be attached or installed on any portion of a Lot which unreasonably interferes with the reception of telephone or radio signals by the Owner or occupant of any other Lot in English Oaks. All such devices shall be located and installed in a manner sufficient to assure the safety of Owners and occupants within English Oaks, with the location and installation of same being in compliance with any federal, state or local laws, codes or ordinances concerning the installation and grounding of such devices. All such devices shall be painted in a fashion that does not interfere with the reception so that such devices shall blend into the background against which they are mounted. The installation of any antenna, radio receiver, or satellite dish not complying with this section must be approved by the ACC.

4.5 Mailboxes.

All mailboxes shall be of the same type, design and color as those originally installed by the Developer of English Oaks. No additional ornamentation, such as letters or numbers, shall be added to the original design.

It shall be the responsibility of the homeowners to maintain and repair the box and the post. Vines may be planted to grow onto posts and structures, but must be kept neatly trimmed. Dead vines should be removed in a timely manner.

4.6 Recreational and Playground Equipment, Small.

A reasonable number of commercially produced recreational or playground equipment (other than swing sets and play yards), such as toddler slides, sand boxes, and kiddie basketball goals, may be placed on a Lot without ACC approval, but they must be placed in the rear of the Lot in such a way so that the view from the road is minimized. No such equipment may be placed within ten (10) feet of any property line. See also, Recreational and Playground Equipment, Large, Section 3.11.

4.7 Clotheslines, Equipment, and Woodpiles.

All clotheslines, equipment, woodpiles, and solar equipment shall be kept screened by adequate planting or fencing so as to conceal them from view by neighboring residences and streets, and may be maintained only in the rear yard of a Lot. See also, Additional Structures, Section 3.1; Exterior Changes, Section 3.3; Fences, Section 3.7; and Landscaping, Section 3.8.

## V. VIOLATIONS

The Board of Directors is authorized to impose fines for any violations of the CREs or these Design Standards pursuant to Article VII, Section 7.10 of the By-Laws. The Board has the right to suspend voting rights and rights to use the common areas and facilities for such violations pursuant to Article III, Section 3.05 of the CREs. In addition, the Association has the right of abatement described in Article VIII, Section 8.02 of the CREs to enter onto any Lot where a violation, breach or other condition to be remedied exists at all reasonable times to abate, remove, or repair such violation, breach or other condition to be remedied, and the costs of such abatement, including interest and reasonable attorneys' fees, shall become the obligation of the violating owner.

## **VI. RIGHT OF APPEAL**

In the event the ACC disapproves any application for approval submitted to the ACC or grants approval subject to conditions which are not acceptable to the applicant, the applicant may appeal such decision of the ACC to the Board of Directors pursuant to the procedures described in Article V, Section 5.10 of the CREs. In addition, any owner in breach or violation of the CREs or Design Standards may request a hearing regarding any fine imposed pursuant to the procedures described in Article VII, Section 7.10 of the By-Laws.



