

# **CLAIREMONT**

## **Community Design Standards and Guidelines**

**Updated September 2007**

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**Architectural Review Committee (“ARC”)**

**A. Creation & Composition of the ARC**

An Architectural Review Committee (hereinafter referred to as the "ARC") shall be established by the Board. The Board shall appoint all members of the ARC. The board may also perform all or part of the duties of the ARC or may hire a company to provide all or part of those duties.

Members of the ARC shall be appointed for an unspecified time period as a volunteer member. If any vacancy shall occur in the membership of the ARC by reason of death, incapacity, resignation, removal or otherwise, the remaining members of the ARC shall continue to act and such vacancy shall be filled by the Board at the earliest possible time. Any ARC member may resign at any time by giving written notice of such resignation to the Chairman of the ARC and such resignation shall take effect on receipt thereof by the Chairman. The Board may remove any member of the ARC at any time with or without cause.

All costs of operation of the ARC shall be borne by the Association.

The Board may employ architects, engineers, or other persons necessary to enable the committee to perform its review.

**B. Purpose, Powers and Duties of the ARC**

The purpose of the ARC is to assure that any proposed installation, construction or alteration of any structure on any Lot shall be submitted in writing to the ARC for approval.

1. The ARC shall determine whether the proposed installation, construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and with the general community wide standards of the Clairemont subdivision.
2. Additionally, the ARC shall determine whether the proposed installation, construction or alteration is in conformity with the topographic finished ground elevation and surrounding structures of the Clairemont subdivision.
3. To the extent necessary to carry out such purpose, the ARC shall have all of the powers and duties to do anything and everything necessary, suitable, convenient or proper for, or in connection with, or incidental to, the accomplishment of such purpose, including, without being limited to, the power and duty to approve or disapprove alteration of any structure on any lot.

The ARC shall be responsible, subject to Board approval, for enforcement of the

provisions of the Declaration of Protective Covenants.

For the purposes of this document, "Structure" is meant as:

- i. Any thing or object the placement or removal of which upon any Lot may affect the appearance of such Lot, including by way of illustration and not limitation, any building or part thereof, garage, porch, shed, greenhouse or bathhouse, coop or cage, covered or uncovered patio, swimming pool, fence, curbing, paving, wall, sign, signboard, landscaping improvements, temporary or permanent living quarters, (including any house trailer, or camping equipment), or any other temporary or permanent improvement on such Lot;
- ii. any excavation, grading, fill, ditch, diversion, dam or other thing or device which affects or alters the natural flow of waters from, upon or across any Lot, or which affects or alters the flow of any waters in any natural or artificial creek, stream, wash or drainage channel from, upon or across any Lot; and
- iii. Any change in the grade at any point on a Lot of more than six (6) inches, whether or not subsection (ii) of this section applies to such change.

### **C. Officers, Subcommittees and Compensation**

1. The members of the ARC shall appoint a Chairman from among the members of the ARC and may appoint such other officers and subcommittees of members of the ARC, as they shall from time to time determine necessary.
2. The members of the ARC shall be reimbursed by the Association for traveling expenses and other out-of-pocket costs incurred in the performance of their duties as members of the ARC.
3. Expenses in excess of twenty-five dollars shall require prior approval of the Board of Directors.
4. The committee should consist a maximum of 5 including the chair.

### **D. Operations of the ARC**

#### **i. Meetings**

The ARC shall hold regular meetings at least once every three (3) months or more often as may be established by the ARC. Special meetings may be called by the Chairman upon the written request of a majority of the members of the ARC then in office. Regular and special meetings of the ARC shall be held at such time and at such place as the ARC shall specify. Notice of each regular or special meeting of the ARC shall be either hand delivered or mailed to each member thereof at his residence or at his usual place of business at least Five (5) days before the day the meeting is to be held. Notice of regular and special meetings need not specify the purpose or purposes for which the meeting is called. Notice of a meeting need not be given to any member of the ARC who signs a waiver of notice either before or after the meeting. Attendance of a member of the ARC at a meeting shall constitute a waiver of notice of such meeting and shall constitute a waiver of any and all objections to the place of the meeting, the time of the meeting, or the manner in which it has been called or convened, except when the member states at the opening of the meeting, that member's objection or objections to the transaction of business.

At each meeting of the ARC, the presence of a majority of the members then in office shall constitute a quorum for the transaction of business. Except as otherwise provided herein, the act of a majority of the members of the ARC present at any regular or special meeting thereof at which a quorum of 3 is present shall constitute the act of the ARC. In the absence of a quorum, any member of the ARC present at the time and place of the meeting may adjourn the meeting

until a quorum shall be present. At any adjourned meeting at which a quorum is present, any business may be transacted which might have been transacted at the originally called meeting. The ARC shall maintain both a record of votes and minutes for each of its meetings. The ARC shall make such records and minutes available at reasonable places and times for inspections by Members of the Association and by the Association Secretary. All records shall also be copied and provided to the Association Secretary for safekeeping. Any action required to be taken at a meeting of the ARC or any action which may be taken at a meeting of the ARC may be taken without a meeting if written consent, setting forth the action so taken, shall be signed by all of the members of the ARC and be filed within the minutes of the proceedings of the ARC. Such consent shall have the same force and effect as a unanimous vote, and may be stated as such in any document filed by the ARC.

## **ii. Activities**

The ARC, with the Board approval, shall adopt and promulgate the Design Standards described in the Declaration of the Covenants for the Clairemont subdivision and shall, as required, make findings, determinations, rulings, and orders with respect to the conformity with said Design Standards of plans and specifications submitted to the ARC pursuant to the provisions of these Guidelines. The ARC shall, as required, issue permits, authorizations, or approvals, which may include specific requirements or conditions, pursuant to the provisions of the Declaration.

Any three (3) or more members of the ARC may be authorized by the ARC to exercise the full authority of the ARC with respect to all matters over which the ARC has authority as may be specified by resolution of the ARC, except with respect to the adoption or promulgation of the Design Standards. The unanimous action of the three (3) or more members with respect to the matters specified shall be final and binding upon the ARC and upon any applicant for an approval, permit or authorization, subject, however, to review and modification by the ARC on its own motion or appeal by the applicant to the ARC as provided in this paragraph (ii).

Written notice of the decision of such three (3) or more members shall be given to any applicant for an approval, permit or authorization within thirty (30) working days after written request for action by the applicant. The applicant may within ten (10) days after receipt of notice of any decision which he deems to be unsatisfactory, file a written request to have the matter in question appealed to the entire ARC. Upon the filing of any such request, the matter shall be submitted to, and reviewed promptly by the ARC, but in no event shall such a request for appeal be reviewed later than thirty (30) days after the filing of such request. The decision of a majority of the members of the ARC shall be final and binding unless the applicant wishes to appeal the ARC's decision to the Board of Directors. In this event the matter will be handled in accordance with the process set forth in the Declaration.

The approval of plans or specifications by the ARC shall in no way subject the ARC or its members to any liability or responsibility for defects or loss sustained by virtue of the consent thereof. Plans and specifications are not approved for engineering or structural design or quality of materials, and by approving such plans and specifications neither the ARC, the members thereof, nor the Association assumes liability or responsibility therefore, nor for any defect in any structure constructed from such plans and specifications. Neither Declarant, the 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 these restrictions 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 and every Owner agrees that he will not bring any action or suit against Declarant, the Association, the ARC, the Board, or the officers, directors, members, employees, and agents of any of them to recover any such damages and hereby releases, remises, quitclaims, and covenants not to sue for all claims, demands, and causes of action arising out of or in connection with any judgment, negligence, or nonfeasance an hereby waives the provisions of any law which provides that a general release does not extend to claims, demands, and causes of action not known at the time the release is given.

### **iii. Professional Engagement**

The Board may employ, appoint, or delegate to outside representatives, professionals or other advisors to act on behalf of the ARC as described above. Said individuals shall have, within the confines established by the Board, the full authority of the ARC.

## **E. Design Standards**

The ARC shall from time to time adopt, promulgate, demand, revoke and enforce guidelines (the "Design Standards") for the purposes of:

- (i) Governing the form and content of plans and specifications to be submitted to the ARC for approval pursuant to the provisions of the Declaration;
- (ii) Governing the procedure for such submission of plans and specifications;
- (iii) Establishing guidelines with respect to the approval and disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of Structures and all other matters that require approval by the ARC pursuant to the Declaration; and
- (iv) Assuring the conformity and harmony of external structures and general quality with the Clairemont community-wide standards.

The ARC shall make a published copy of its current Design Standards and Guidelines readily available to the Members and prospective members of the Association and to all applicants seeking the ARC's approval.

## **ARC DESIGN STANDARDS**

### **A. Authority**

These Design Standards are adopted pursuant to authority granted to the ARC of the

Clairemont residents *of the Declaration of Covenants for the Clairemont subdivision*. Please note that pursuant to the Declaration: No exterior construction, alteration, addition, or erection of any nature, whatsoever, shall be commenced or placed upon any part of the Community, as expressly approved in accordance with the Declaration and with these Design Standards. The requirements of these Design Standards shall be in addition to and not in lieu of the requirements and provisions of the Declaration.

## **B. Purpose**

Plans and specifications must be submitted to and approved by the ARC pursuant to the Declaration. These Design Standards are for the sole and exclusive purpose of assuring that all Structures within the Development are in conformity and harmony of external design with the existing standards of the Clairemont Subdivision.

The ARC will also determine if any dangerous, health hazards, illegal activities or nuisance situations exist within the Clairemont Subdivision. These types of circumstances shall be handled and resolved promptly.

## **C. Definitions**

The words used herein shall have the same meanings assigned to them by the Declaration.

## **D. Submission of Plans and Specification**

- 1.) Plans and specifications for the construction or replacement of any Structure on any Lot are to be submitted to and will be reviewed by the ARC in accordance with the requirements of Article VI, Section 11 of the Declaration. Each Owner will submit to the ARC at least one complete set of such plans and specifications clearly designating what exterior construction, addition or alteration modification is to be undertaken. Plans may be submitted to the ARC by delivering said plans to the Management Company.
- 2.) Plans and specifications should contain at least the following information showing the nature, kind, shape, height, materials, and location of the proposed property addition or modification, and estimated date of completion. The Clairemont ARC Application is to be submitted with the request.
- 3.) In addition, all applicable County Building Code Requirements will be followed, and a County Building permit will be obtained for all projects requiring such a permit.

## **E. Review Criteria**

The ARC will evaluate all submissions on the individual merits of each application. In addition to evaluation of the particular design proposal, this will include consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Design decisions made by the ARC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria which

represent in more specific terms the general standards of the Declaration.

Relation to the Natural Environment. Fencing in particular can have damaging effects on the feeling of open space. Other factors such as removal of trees, disruption of the natural topography and changes in rate or directions of storm water run-off also adversely affect the natural environment.

Conformance with Covenants. All applications are reviewed to confirm that the project is in conformance with the Declaration.

Validity of Concept. The basic idea must be sound and appropriate to its surroundings.

Design Compatibility. The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

Location and Impact on Neighbors. The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on adjacent patio or infringe on a neighbor's privacy. When a proposed alteration has possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making application. It may be appropriate in some cases to submit neighbor comments along with the application. The ARC, in its reasonable discretion, may require the applicant to submit neighbor comments on the proposed modification.

Scale. The size (in three dimensions) of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

Color. Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house, including, but not limited to roofs and trim should be matching in color. Any existing color changes must be submitted to ARC for approval prior to the change. A 4" x 6" paint sample must be submitted with written request.

Materials. Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house. For instance, siding, stone or brick on the original house should be reflected in an addition, including planters, retaining walls and edging.

Workmanship. Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, in addition to causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards. The Association assumes no responsibility for the safety of any construction by virtue of design or workmanship.

Timing. The majority of alterations will be built or installed by the residents themselves or by a contractor. However, projects which remain uncompleted for long periods of time

are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated completion dates. If such time period is considered unreasonable, the ARC may disapprove the application. If such completion date is not met, the ARC may take action as appropriate. The ARC also may establish as a condition of reasonable time periods in which the work must be commenced and/or completed.

## **F. Architectural Guidelines**

Each of the following guidelines addresses a specific type of modification or “structure” which you may desire to have or place upon your property. These guidelines are to assist you in understanding what will most likely receive approval from the ARC. These guidelines also provide a roadmap to help you avoid problems with the Use Restrictions and Rules defined in the Declaration of Protective Covenants.

Even though your modification must completely comply with the following guidelines, you still **MUST** apply for and receive approval prior to beginning any construction or modification unless these guidelines specifically permit your modification without prior approval.

## **G. Amendment**

These Design Standards may be amended from time to time by a majority vote of the members of the ARC. Such amendments will be mailed or delivered to each Lot owner. However, any modification to the following Design Standards will always conform with the Declaration of Covenants, Conditions and Restrictions for Clairemont Subdivision, and any changes in the Declaration Covenants requires a majority vote by the Clairemont residents.

## **H. Variances**

Notwithstanding anything to the contrary contained herein, the ARC shall be authorized to grant individual variances from any of the provisions of these Design Standards if the ARC determines that the waiver of application or enforcement of the provision in a particular case would not be inconsistent with the overall scheme of development for the neighborhood, unless specifically prohibited by the Protective Covenants. Such time and at such place as the ARC shall specify.

## **ARC STANDARD #1: General Guidelines**

### **A. Approval Prior to Current Design Standards**

Changes to homes approved by the ARC and installed prior to the implementation of these Design Standards are deemed Acceptable until replacement is needed. When replacement is needed, the new change must conform to current standards. Proof of approval by the CCM homes ARC will be provided if requested by ARC.

### **B. Occupants Bound**

All provisions of the Declaration of Covenants, By-Laws and of any rules and regulations, use restrictions or design guidelines promulgated pursuant thereto which govern the conduct of owners and which provide for sanctions against owners shall also apply to all occupants even though occupants are not specifically mentioned. Fines may be levied against owners or occupants. If a fine is first levied against an occupant and is not paid in a timely manner, the fine may then be levied against the owner.

### **C. Unsightly or Unkempt Conditions**

No hobbies or activities shall be undertaken which will cause an unsightly condition. This includes, but is not limited to, the assembly and maintenance of motor vehicles in public view. Automobiles that are in obvious state of disrepair should be stored properly in garages.

It shall be the responsibility of each owner and occupant to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on his or her property. This includes, but is not limited to, the storage and/or maintenance of any substances, or materials which will be noxious, disruptive or unpleasant, thereby disturbing, diminishing or destroying the enjoyment of the community.

### **D. Subdivision of Lot**

No lot shall be subdivided

### **E. Guns**

The use of firearms in the community is prohibited. The term "firearms" includes without limitation "B-B" guns, pellet guns, paint ball guns, bow & arrows or any types of firearms.

### **F. Utility Lines**

No overhead utility lines, including lines for cable television, shall be permitted within the community.

### **G. Rental/Lease Use**

Occupancy in the rented house shall be limited to one family or no more than two unrelated adults. Lots may be leased for residential purposes. All leases shall have a minimum term of at least six (6) months. All leases shall require, without limitation, that the tenant acknowledge receipt of a copy of the Declaration, By-Laws, use restrictions, and rules and regulations of the Association. The lease shall also obligate the tenant to comply with the foregoing and shall provide that in the event of noncompliance, the Board, in addition to any other remedies available to it, may evict the tenant on behalf of the owner and the owner's property.

### **H. Business Use**

Each house shall be used for residential purposes exclusively. No business or business activity may be conducted in or from any Lot or any part of the Property at any time

except with the written approval of the Board. This includes business uses ancillary to primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling so long as the following conditions apply:

- 1) The existence or operation of the business activity is not apparent or detectable by sight, sound or smell from the exterior of the dwelling;
- 2) The business activity does not involve visitation of the Lot by employees, clients, customers, suppliers or other business invitees; provided, however, this provision shall not preclude delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (U.P.S., Federal Express, etc.);
- 3) The business activity conforms to all zoning requirements for the Property;
- 4) The business activity does not increase traffic flow or parking congestion on the Property;
- 5) The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and
- 6) The business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property or adjacent properties, as may be determined in the Board's sole discretion. The terms "business" and "trade", as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether:
  - a) such activity is engaged in full or part-time; b) such activity is intended to or does generate a profit; or c) a license is required thereof.

## **ARC STANDARD #2: Exterior Landscaping & Maintenance**

### **A. Landscaping Projects**

An "Application for Modification" form must be submitted to the ARC for all landscaping projects when the activity will result in major changes to the existing landscaping or when grading or contour modifications are required. Landscaping should relate to the existing terrain and natural features of the lot. The homeowner must ensure that improvements/projects do not halt or materially impede the drainage flowing off of a neighboring tract and does not redirect the flow or significantly increase the amount of water flowing onto a neighboring lot.

The "Application for Modification" form must include:

- 1) Drawing of the overall plan including proximity to property lines and adjacent properties;
- 2) Detailed description of the types and sizes of trees and shrubs to be planted; and
- 3) Firm completion date.

See other areas below that address fences, decks, retaining walls, patios, play equipment and other exterior additions or projects.

## **B. Ongoing Maintenance**

Each homeowner is responsible for the general upkeep of the property so that the yard presents a manicured appearance. Lawns, shrubs, and plant bedding areas are to be kept in a professional and well-maintained manner. If maintenance is not done, as per the Covenants, the ARC and Board members can make arrangements with selected lawn services to have the work completed. Any fees, fines and interest to residence can be billed back for full payment.

This standard includes, but is not limited to:

1. Over seeding and restoring lawn grasses;
2. Watering, fertilizing, mowing and edging lawn grasses;
3. Edging of curbs, islands, flowerbeds, driveways, sidewalks;
4. Clearing of sidewalks (they should be free of overgrowth);
5. Keeping the street in front of the property clean and free of debris (grass clippings, trash, yard waste, pine straw, leaves, etc.);
6. Pruning and trimming trees and shrubbery, hedges and other vegetation so that the visibility of motorists and pedestrians is not obstructed and windows and porches are not obstructed from view;
7. Removal of all "volunteer" or "wild" growth of weeds or non-landscape quality vegetation from lawns, islands, and flowerbeds;
8. Repairing of any barren lawn areas to reduce erosion potential;
9. Renewing mulch used in islands or naturalized areas are required at least annually. All barren ground must be covered with mulch or grass;
10. Maintaining backyard maintenance consistent with the front and side yards;
11. Maintaining shared landscape beds with the cooperation of the homeowners that share the property. (There should only be one type of mulch and one form of edging around the entire bed);
12. The grass in the front yard is to be mowed at regular intervals. The maximum

height that the grass is allowed to reach is 4 inches; and

13. Lawn Debris is to be properly disposed of in accordance with the State of Georgia and Gwinnett County Laws. Grass clippings are not to be used for ground cover or burned.

### **C. Edging/Mulching Materials**

Edging/Mulching materials for flowerbeds and islands should be limited to natural materials, be natural or earth tone in color, and be consistent with the style of the neighborhood. Edging should not exceed 6" above the natural grade and should be even. White or brightly colored rocks may not be used as edging or ground cover. Consistent mulching material should be used for all beds in the front and side yards. The approved ground covers are: Natural bark, Pine straw, and Stone. It is recommended that Homeowners seek the advice of professional landscapers for recommended products. Homeowners should be cautious about the use of some wood mulch products of unknown origin that may introduce infestations of unwanted insects, such as termites and fire ants, to the Clairemont community.

### **D. Irrigation Systems**

An "Application for Modification" form is not required for permanent underground irrigations systems, but it is the Homeowner's responsibility to make sure the system does not encroach upon any neighboring property. Visible temporary sprinklers must not be left in the same position for more than 48 hours. Visible hoses for watering must not be unwound or laying on the property for more than 48 hours.

### **E. Trees and Shrubbery**

An "Application for Modification" form is not required for planting ornamental trees and shrubbery that do not otherwise conflict with other Design Standards. Ornamental means non-row/non-clustered plantings not intended or designed for screening purposes. Ornamental trees and shrubs are generally planted for shade and/or seasonal color.

An "Application for Modification" form must be submitted to the ARC for screen planting (row or cluster style) and property line plantings. Screen plantings are shrubs or trees planted in a row(s) or cluster(s) designed to create a privacy screen between properties or from the street.

Forms must include:

- 1) A description of the sizes and types of trees or shrubs to be planted; and
- 2) A site plan showing the relationship of plantings to the house and adjacent dwellings.

In general, screen plantings should not extend further than the front of the house, and, therefore should not be in the front yards. The applicant should consider neighbors when submitting plans for screen plantings between their property and the neighbor

properties. The ARC will likely determine if there are concerns by neighbors.

Plantings should be located sufficiently within the homeowner's property lines so that they do not encroach upon or otherwise negatively affect the neighbor's property. Homeowners should be cognizant of the fact that screen plantings will grow in height and diameter and may eventually encroach upon or affect their own and neighbor's lawns and landscaping. Screen plantings will likely block sunlight and sap water from the ground that hinders or prevents grass growth. Therefore, homeowners should consider these issues when developing plans for screen plantings.

Homeowners will be wholly responsible for the "ongoing maintenance" of trees and shrubbery that are planted on their property, to include any portion that extends over or impacts their neighbor's property. The homeowner's screen planting design must not adversely affect the natural drainage and should allow sufficient sunlight to assure that their neighbor's landscaping is not adversely effected.

An "Application for Modification" form must be submitted to the ARC for tree removal except for:

- 1) No consent or approval is required for the removal of any tree that is dead, severely diseased or damaged by natural causes.
- 2) No trees that are more than four (4) inches in diameter at a point two (2) feet above the ground shall be removed without the prior written consent of the ARC. However, no flowering trees, including, without limitation, Dogwood trees, regardless of their diameter, shall be removed without the prior written consent of the ARC (per the Declaration).

If trees are removed, visible stumps must be removed or mulched below ground level and the area must be mulched or landscaped. Homeowners must notify the ARC in the event that trees and/or shrubs were removed as a result of disease, danger or storm damage. When removing trees in front, side or back yards, consideration should be given to the impact on adjacent properties (i.e., loss of shade or privacy).

All shrubs in screen plantings in the front and side yards must be trimmed and maintained to a height of 8 feet or less, or maintained to an even, and consistent height with the natural or normal growth pattern of the shrub and should be considered uniform and appropriate for the property.

No greenery or vines attached to the property will impede the frontal view of the property in such a way that it is covering the brick or stucco. The greenery or vines must be maintained and not impede windows, gutters, or the roofline in anyway.

## **F. Vegetable Garden Plots**

No vegetable garden plots are permitted in the front of the house. An "Application for Modification" form **is not** required for garden plots if **all** the following guidelines are met:

- 1) The plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street;
- 2) The size of the plot does not exceed 10X20 feet in either dimension;
- 3) All garden plots must be cleared at the completion of the growing season.
- 4) Compost piles are not permitted.
- 5) Raised bed gardens are permitted if bed height does not exceed one foot.

### **G. Firewood**

The following guidelines apply to the storage of firewood:

- 1) Firewood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street;
- 2) Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard not in the front or side yard; and
- 3) Firewood pile coverings are allowed only if the cover is an earth tone color and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

### **H. Tools, Debris, Miscellaneous**

Outdoor storage of garden tools, hoses, hose reels, or gardening supplies such as soil bags, etc. must be screened from view of adjacent properties and streets. They must be kept in the rear yard, garage, or screened so as to conceal view from the street. Any tools or items stored under a back deck or porch must also be screened from view. Each homeowner is responsible to prevent the development of any unclean, unhealthy, unsightly conditions upon any portion of their property. Debris of any type shall be regularly removed and not allowed to accumulate.

### **I. Drainage**

Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No owner or occupant may obstruct or re-channel drainage flows without the approval of the ARC, and in no case should such a plan conflict with state or country rules, regulations or environment requirements. Lawn clippings should not be blown into drainage structures.

## **J. Sight Distance at Intersections**

No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where this would create a traffic or sight problem.

Trees shall be pruned to prevent the obstruction of stop signs or street signs.

## **ARC STANDARD #3: Exterior Building Alterations**

### **A. General Guidelines**

An "Application for Modification" form must be submitted to the ARC for all exterior building alterations. The following, without limitation, will be reviewed: 1) Location; 2) Size; 3) Conformity with design of the house; 4) Relationship to neighboring dwellings; and 5) Proposed use.

Building alterations include, but are not limited to, storm doors and windows, awnings, construction of driveways, garages, porches and room additions to the home. The original architectural character or theme of any home must be consistent for all exterior components of the home and neighborhood.

Homeowners are advised that a Gwinnett County building permit will be required for certain exterior building alterations. However, a County building permit does not constitute ARC approval of a proposed change.

### **B. Home Maintenance**

Each homeowner is responsible for the general upkeep of the home so that the dwelling is well maintained and has a tidy appearance.

This standard includes, but is not limited to:

- 1) Repainting as needed to stay well maintained (An "Application for Modification" form is required if changing the existing color);
- 2) Touchup painting where needed;
- 3) Repairing or replacing rotted siding boards, wood, fascia, soffits, doors or other home materials (brick, stucco, stacked stone, etc. - An "Application for Modification" form is required only if changing the existing materials to different materials or color);
- 4) Pressure washing and/or cleaning all external structures including siding, fences, decks, sidewalks, mailboxes, gutters or driveways to remove mold and/or mildew or other stains; and
- 5) Repairing of any broken windows, gutters, lights or other attached objects.

### **C. Structural Modifications/Home Additions**

An "Application for Modification" form must be submitted to the ARC for all structural modifications and home additions. Colors or finish must be compatible with the home's primary and trim colors. Materials used must be consistent with the original home and

with the community.

Forms must include:

- 1) Picture or drawing of the modification including front and side views;
- 2) Color Samples; and
- 3) List of materials to be used.

Exposed elevations using siding materials will be required to be similar to the original structure. Exposed foundations must be painted the same color as the house, typically with brick or stone.

#### **D. Roof and Roofing Materials on Home/Home Additions**

An "Application for Modification" form must be submitted to the ARC for all roof replacements. Shingles must match existing shingles in texture and to be approved by the ARC.

Roofs must be kept in good repair. Roof pitches for the main body of the roof shall not be altered from the original pitch. Roof pitch for the new structure should be similar to the original structure. Roofing materials must be similar to the original roof on the new areas.

#### **E. Painting**

An "Application for Modification" form must be submitted to the ARC for all repainting before painting commences. Existing paint colors chosen and approved by the builder ARC will be approved, but an "Application for Modification" form stating that the trim color(s) to be used will be exactly the same as the original trim colors is still required by the ARC.

- All exterior (house and trim) paint colors must be neutral tones, compatible and harmonious with the colors of other homes in the neighborhood. Highly reflective, bright colors must be avoided.
- Door and shutter colors may vary while remaining compatible and harmonious with exterior house color.
- The colors of walls of adjacent homes shall not be the same color.
- Secondary colors shall be compatible with dominant colors, limited to architectural details such as fascia frames and other building trim.
- A minimum number of exterior colors shall be used. When more than one color is used, one shall be clearly dominant.

**Color and approval process.** Paint color changes require the following information.

- 1) **Painting Approval.** If painting commences without approval, a \$500 fine may be assessed per the Bylaws of The Clairemont Homeowners Association, Inc.
- 2) **Same Color Used.** If home is being repainted the “original” color, approval is still required from the ARC. Submit your application along with a 4”X6” paint sample to the ARC.
- 3) **Color Being Changed.** Homeowners wishing to change the color of their home must submit their application proposal along with a 4”X6” paint sample to the ARC.
- 4) **Project Duration.** The repainting of a house is to be done in a timely manner. Houses are to be repainted within 30 to 60 days from the commencement of painting unless special approval is requested and granted.
- 5) **Repairs.** Permission is not necessary for repairs and “touch-ups”. However, the color used for the repairs must match the original color to the satisfaction of the ARC.

## **F. Siding**

Most Clairemont homes have one side that has siding. An “Application for Modification” form must be submitted to the ARC for all siding replacements. All siding must be well maintained and replaced as necessary. Replaced siding must be matched to the existing siding. New siding must be cement siding (i.e., Hardiplank) and painted. Vinyl siding is prohibited.

## **G. Mailboxes**

All mailboxes must be maintained as originally designed for the community. In the event that a mailbox must be replaced, the Homeowner must replace the mailbox with one that is the same model as the standard Clairemont mailbox. Mailboxes will only be changed when a neighborhood-wide change is required for the entire community. Mailboxes shall meet the following guidelines.

1. Mailboxes are to be maintained with house numbers at all times.
2. Mailboxes are to be maintained with proper working doors and flags.
3. Mailboxes are to be maintained in an upright, 90 degree standing order.
4. Mailboxes are to be maintained without discoloring or rust.
5. No designs or other decorations are permitted.

## **H. Garage Doors**

An “Application for Modification” form must be submitted to the ARC for all garage door replacements. Garage doors must be consistent with other homes in the Clairemont subdivision. Doors can be steel or wood and must be painted the same color as the house trim. Hardware must blend with the overall look of the door. Garage doors must

be well maintained and in good repair.

### **I. Gutters**

An "Application for Modification" form must be submitted to the ARC for all gutter replacement. Gutters must be consistent with other homes in The Clairemont. Gutters must be steel or aluminum and painted the same color as the house trim; other materials can be submitted for approval.

### **J. Storm Windows and Doors**

An "Application for Modification" form must be submitted to the ARC for all Storm windows and door installation or replacement. Storm windows and doors must be made of anodized bronze or anodized aluminum with baked enamel finish compatible with primary and trim colors. Bright finished or bright plated metal exterior doors, windows, screens, and louvers will not be permitted. The use of reflective tinting or mirror finishes on windows is prohibited.

### **K. Detached Buildings**

As a rule, detached buildings are discouraged in the Clairemont subdivision. However, all detached building must be approved by the ARC before they are erected. At a minimum, if approved, such structures will be subject to the following guidelines:

- 1) The building size shall be limited to 100 square feet.
- 2) The building should be located in the rear of the primary home and inside the extended sidelines of the primary home (i.e., not visible from the street) to minimize the visual impact on adjacent properties or from the street.
- 3) The building may not be used for any purpose that may be deemed by the ARC to cause disorderly, unsightly, or unkempt conditions.
- 4) Detached building exterior materials must match the exterior materials and colors used on the original home.
- 5) The building must be no more than one story.
- 6) Exterior buildings must be screened in any areas where the building is visible from the street or from a neighboring yard.

### **L. Awnings**

An "Application for Modification" form must be submitted to the ARC for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Awnings will not be approved for the front of homes. Colors or finish must be compatible with the home's primary and trim colors and awnings must be kept in good repair.

The addition of awnings or coverings requires the following information:

- 1) A picture or drawing of all windows/doors on which awnings will be installed and their location (back or side);
- 2) A picture depicting style of awning to be installed; and
- 3) Color samples and a materials list.

### **M. Dog Houses/Runs**

An "Application for Modification" form must be submitted to the ARC for all doghouses and runs visible from the street. All doghouses and runs must be located where they will have minimum visual impact on adjacent properties or from the street. Screening is required. Construction type, size, and exterior colors/materials will be specific criteria governing approval. Chain link dog-runs and wire pens are prohibited. "Tethered" line dog runs are permitted when not visible from the street or adjacent properties. No pets shall be tethered in the front of a house for more than a period of 6 hours. All tethers should be removed and stored out of sight when not in use.

## **ARC STANDARD #4: Miscellaneous Exterior Installations**

### **A. Signs**

Except as provided below, an Owner or Occupant shall erect no sign of any kind within the community without prior written consent by the ARC.

1. "For Sale" or "For Rent" sign consistent with the community wide standard and having a maximum area of four square feet and a maximum height of four feet above ground level.
2. Security signs consistent with the Community-wide standard.
3. Any signs required by legal proceedings.
4. Temporary signs: Birth announcements, birthdays, and anniversaries are allowed for a period not to exceed five consecutive days.
5. A single political endorsement sign, not exceeding 18x24 inches may be placed up to 30 days prior to Election Day and must be removed not later than the day after the election.
6. Contractor signs may be displayed in the yard for up to fourteen (14) days.
7. No signs are permitted for personal business.
8. No lighted signage, whether internally or externally illuminated, will be allowed.

9. Signs must be in good condition.
10. Signs must not be mounted on trees, traffic signs, or other existing structures.
11. Signs must be on private property with the owner's consent.
12. There may be only one sign per yard at one time. Only one sign may be placed on a property in a 30-day period.
13. Real estate signs may be placed at the front of the subdivision beginning on Friday at 1:00 PM and must be removed by midnight Sunday.

### **B. Clotheslines**

Clotheslines of any kind are not permitted.

### **C. Storage**

All lawn and garden equipment, portable recreation equipment, canoes, garbage cans, and wood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street.

### **D. Trash Container**

Trash receptacles must be stored in a garage or concealed so that it is not visible by neighboring residences or from the street. Trashcans and any landscape trash may be placed at the curb **no earlier than 6 PM** on the day prior to collection. Garbage cans are to be removed from the curb **no later than 9 AM** on next day.

### **E. Trash Container Storage**

All garbage cans shall be covered and not located on the front area of the property. Depending on the contour of the property, trash containers shall be stored at the rear or side of the house or in the garage so as not to be visible from the street.

### **F. Trash Burning**

Trash, garbage, debris, or other waste matter of any kind may not be burned within the Community.

### **G. Window Air Conditioners and Fans**

No window AC units may be installed without prior written ARC approval. No window units or fans may be installed where they may be seen from the street.

## **H. Window Treatments**

Window Treatments visible from the street may not be non-standard, i.e., blankets, sheets, paper. White is the only color to be visible from the outside the house.

## **I. Grills and Propane Tanks**

Grills and propane tanks must be stored within the backyard but may be moved to the side yard or driveway for temporary use (i.e., for use with a party), but must be removed within twenty-four (24) hours.

## **J. Energy Conservation Equipment**

No solar energy collector panels or attendant hardware or other energy conservation equipment may be constructed or installed unless they are an integral and harmonious part of the architectural design of a structure. The ARC must approve all installations of energy conservation equipment.

## **K. Yard Furniture**

Yard furniture that is displayed in the front yard must be constructed of wood or metal. Plastic furniture is not allowed for use, display or storage when visible from the street.

## **ARC STANDARD #5: Fences**

### **A. General Guidelines**

No fence or wall of any kind shall be erected, maintained, or altered on any Lot within the Clairemont subdivision without prior approval of the ARC

- 1) Chain link fences or fences made of lattice or wire are strictly prohibited.
- 2) Fences should complement the design, texture, and color of all structures on the same lot. Fences should include planting as an integral component.
- 3) Most lots that have back or side borders along the Clairemont subdivision property line, have existing double-sided (8) foot, dog-eared cedar or treated pine picket fence that is painted/stained an opaque dark brown color. All continuation or replacement of fencing around the perimeter of the community shall be completed with fencing that matches the existing fencing material and color.
- 4) All other approved fencing for “backyards” shall be made of aluminum or galvanized steel pickets with a durable paint coating in a black or dark brown color and shall be five or six feet above ground.
- 5) All fencing around pools for safety and security shall meet all state and Gwinnett County requirements, including the requirements for gate latches and locks.

- 6) In no case shall a fence be more than eight (8) feet above grade.
- 7) Fences must follow the grade line, that is, the fence bottom must be no higher than four inches above grade.
- 8) All wood fence structures are to be finished on both sides (double-sided and stained or painted). Therefore, there will be no issue about which finished side of the fence is to face away from the lot.
- 9) No fence shall be placed or constructed within 15 feet of a street, except in the rear yard of a lot or where necessary to block the view of storm water detention facilities and other unsightly easement areas.
- 10) Fences are to be placed within six inches of lot boundaries on side and rear lot lines unless unusual grade or terrain prevents placement on lot boundaries.
- 11) Fences are not to extend forward beyond the front house building line.

**Existing fences as of the date of these Design Standards are considered Acceptable until the fence needs to be replaced. When replacement is needed, all current guidelines must be followed.**

## **ARC STANDARD #6: Play Equipment**

### **A. General Guidelines**

An "Application for Modification" form must be submitted to the ARC for all play equipment. The following guidelines apply:

- 1) The play equipment shall be located in the rear yard and within the extended sidelines of the house (i.e. not visible from the street when possible);
- 2) The play equipment shall be sized, colored, designed, and located such that it will have minimal visual impact on adjacent properties or when possible from the street;
- 3) Trampolines shall be screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street.
- 4) Homeowners planning to install playground equipment should remember to consider neighbors and their possible concerns about doing so. The ARC will determine if there are neighbor concerns that are significant enough to influence the approval process.

The ARC strongly recommends that play equipment (except basketball goals – see below) be of wood construction and be environmentally and aesthetically compatible. Permanent playground equipment made wholly of plastic or metal will not be allowed.

Portable play equipment may be left in front or side yards or visible from the street for a period not to exceed 24 hours or on a regular basis.

Skateboard ramps, soccer goals, hockey goals, and other similar play equipment may not be permanently affixed to the ground and must be stored where not visible from the street or adjacent properties.

## **B. Play Houses**

As with detached buildings, the construction of play houses is discouraged in the Clairemont subdivision. However, all detached buildings and play houses must be approved by the ARC before they are erected. At a minimum, if approved, such structures will be subject to the following guidelines:

- 1) The building size shall be limited to 100 square feet.
- 2) The building should be located in the rear of the primary home and inside the extended sidelines of the primary home (i.e., not visible from the street) to minimize the visual impact on adjacent properties or from the street.
- 3) The building may not be used for any purpose that may be deemed by the ARC to cause disorderly, unsightly, or unkempt conditions.
- 4) Detached building exterior materials must match the exterior materials and colors used on the original home.
- 5) The building must be no more than one story.
- 6) Exterior buildings must be screened in any areas where the building is visible from the street or from a neighboring yard.
- 7) Construction of tree houses will not be allowed.

## **C. Green Houses**

Green Houses are not permitted.

## **D. Basketball Goals**

The construction of permanent basketball goals, a system that is positioned and cemented in a hole dug in the ground, required prior approval from the ARC. Portable systems, that are stand alone units may not require approval from the ARC. Either type of goal is subject to the following guidelines:

- 1) The goal must be installed or positioned alongside driveway, facing the house (i.e. at a right angle to the street) and as close to the home as possible.
- 2) No further from the house than halfway between the street and the home. If this pre-approved location is not feasible, you must submit a sketch showing the desired location

and why it is necessary to install the goal there.

- 3) To have minimum visual impact, poles must be painted black and maintained regularly.
- 4) The backboard is a standard size, commercially manufactured of clear material backboard.
- 5) Basketball goals attached to the structure of the house are prohibited.
- 6) Basketball goals must be maintained and in good repair. If broken they must be either repaired or removed within 30 days of notice.

Note: Negative impact related to time of use, lighting and noise on adjacent properties should be avoided. As with all improvements, once installed, basketball goals must be maintained to the condition as originally installed.

## **ARC STANDARD #7: Patios/Walkways/Driveways**

### **A. Patios/Walkways**

An "Application for Modification" form must be submitted to the ARC for patios, walkways, patio covers, trellises, permanent seating, railing and other items unless all the following criteria are met:

- 1) The patio/walkway is located in the rear yard;
- 2) The patio/walkway does not extend beyond the sidelines of the house (i.e., visible from the street);
- 3) The patio/walkway does not extend to within 10 feet of rear property lines; and
- 4) The patio/walkway's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways.

The following information will be required for the "Application for Modification":

- 1) Site plan on Lot plat denoting location of the patio and/or walkway
- 2) Dimensions of the addition
- 3) Materials to be used
- 4) Proposed use
- 5) Color

Any patio or walkway should conform to the original design of the house and must be

approved by the ARC prior to construction. Walkways can be surfaced with concrete, brick, or other permanent concrete/brick combinations.

## **B. Driveways**

No road or driveway shall be constructed or altered on any Lot without the prior written approval of the ARC. An "Application for Modification" form must be submitted to the ARC for all changes to existing driveways. The following guidelines apply:

- 1) Driveways must be surfaced in concrete.
- 2) Asphalt driveways are not permitted.
- 3) Decorative resurfacing or coloring of driveway is prohibited.
- 4) Parking pads that are not part of the original construction are prohibited.
- 5) Cracks with a gap greater than or equal to one-half inch in walkways, or driveways must be repaired and maintained without pitted or sunken areas, discolorations or large stains.

## **ARC STANDARD #8: Decks and Retaining Walls, Raised Planters and Edging.**

### **A. Review and Approval**

An "Application for Modification" form must be submitted to the ARC for all decks and retaining walls, raised planters and edging. These projects will be considered on a case-by-case basis. The following information must be submitted on or with the form to be reviewed:

- 1) Site plan on Lot denoting location,
- 2) Dimensions of the additions,
- 3) Materials to be used,
- 4) Color,
- 5) Conformity with design of the house,
- 6) Relationship to neighboring dwellings, and
- 7) Proposed use.

## **B. Decks**

The following guidelines have been adopted for decks in the Clairemont Community:

- 1) In most cases, the deck may not extend past the sides of the home;
- 2) Deck materials must match existing deck materials.
- 3) Other materials will be considered with submitted samples;
- 4) The color must be natural or finished to coordinate with the exterior color of home;
- 5) Vertical support for wood decks must meet minimum county standards for wood post or painted (black) metal poles must be boxed-in as to appear to be wood posts. Brick or stucco columns matching the home are also acceptable; and
- 6) Decks must be properly maintained.

Homeowners are advised that a Gwinnett County building permit may be required for a deck construction.

## **C. Retaining Walls, Raised Planters and Edging**

The following guidelines have been adopted for retaining walls, raised planters, and edging around home in the Clairemont Community:

- 1) Retaining walls, raised planters and edging around Clairemont subdivision homes must be composed of brick or stone that matches or complements the brick and/or stone on the existing home structure. Retaining walls of other material may be approved by the ARC if it is deemed that it will be covered by 4-season vegetation/landscaping. All exposed concrete foundations and/or retaining walls must be veneered with natural stone or brick to match or compliment the existing home structure.
- 2) Retaining walls should not interfere with the drainage of water where they would create standing water or divert drainage to the neighboring yards. If a retaining wall could potentially impact a neighbor's yard, this must be taken into consideration. The ARC will determine if there could be an impact and discuss it with the neighbor, which may impact on the ARC approval decision.

## **ARC STANDARD #9: Exterior Decorative Objects**

### **A. General Guidelines**

No artificial vegetation, exterior sculptures, fountains or similar items shall be constructed, placed or maintained on any lot within the Clairemont subdivision without prior approval of the ARC.

An "Application for Modification" form must be submitted to the ARC for all exterior decorative objects, both natural and manmade that can be seen from the street or would

have an impact on neighbors. Exterior decorative objects include items such as birdbaths, bird feeders, sculptures, statuary, benches and porch swings, garden flags, and items attached to approved structures. Wagon wheels, fountains, pools, and freestanding flagpoles are prohibited from use in front or side yards between homeowners.

Objects will be evaluated on criteria such as location, proportion, color and appropriateness to surrounding environment and will be approved on a case-by-case basis. An "Application for Modification" form must be submitted to the ARC for all statuary located in back yards that may be visible from adjacent properties. The "Application for Modification" form must include the placement, dimensions and materials of said statuary. Materials used must match or be harmonious with existing materials of the home and landscaping. The following guidelines apply to exterior decorative objects:

- 1) Statuaries placed in the backyard should not be visible from the street.
- 2) Door wreaths less than 30 inches in diameter do not require ARC approval. All objects must be kept in good condition and well maintained.
- 3) An ARC request must be submitted for approval for any exterior sculpture that exceeds 18" in height.
- 4) Sculpture must be constructed of concrete, plaster, metal, or wood. Plastic sculptures are prohibited.
- 5) Sculptures shall be compatible and harmonious with the colors and structure of the homes in the neighborhood. Brightly painted items are not permitted and will not be approved.
- 6) Sculpture will be permitted in front yard areas provided no more than 2 pieces are present and all other conditions above are met.

## **B. Exterior Landscape & Security Lighting**

Except as provided below, An "Application for Modification" form must be submitted to the ARC for all exterior lights or lighting fixtures not included as a part of the original structure. The guidelines for lighting include the following:

- 1) Lighting used to enhance walkways, vegetation, and architectural illumination (ground level illumination) may be approved if it does not exceed 12" in height and if placed at least five feet apart.
- 2) Individual lights must not exceed 15 watts, are white or clear, non-glare type and located and aimed to cause minimal visual impact on adjacent properties and streets.
- 3) Up tilt lighting is allowed when directed vertically at trees, or solely at bushes and

similar vegetation. Home exterior surfaces are not to be illuminated, unless approved by the ARC.

- 4) Lighting for security purposes shall be limited to either (i) proximity activated lighting that shall deactivate within 30 minutes of activation, or (ii) continuous lighting shall be of 65 watts or less.
- 5) Seasonal lighting can be installed 30 days before the holiday and must be removed within 15 days of the celebrated holiday. Holidays must be recognized state or religious dates.
- 6) Excessive holiday lighting and decorations will be subject to ARC review. The ARC can review and limit the use of lighting and holiday decorations if they find them to be excessive and “untasteful”. Please use good judgment and be aware of the impact of your immediate neighbors.
- 7) Only one (1) decorative post light is allowed in the front yard of a home.

### **C. Flag Poles**

An “Application for Modification” form is not required for installing a single horizontal mast (not to exceed 45-degree inclination) attached to the front portion of a house. Flags must be in good condition, free from rips, tears or significant fading. Freestanding/vertical flagpoles are prohibited.

### **D. Plants and Flower Pots**

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house and community. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flowerpots (maximum of four) that coordinate with exterior home colors and containing evergreens/flowers do not require submission of An “Application for Modification” form. Plastic flowerpots (ground or hanging) are prohibited from front yards. If flowerpots are used, they should be constructed of wood, clay, terra cotta or concrete. Bird Baths are not allowed in the front yard.

### **E. Water Features**

Water features are not allowed in the front yards of Clairemont community homes. All water features in the backyard should be maintained in the condition as originally approved and installed. Water features must be maintained so as not to create adverse health situations, such as mosquito infestations. Homeowners may be required to remove any such non-maintained water feature.

### **F. Artificial Vegetation**

No artificial vegetation shall be permitted on the exterior of any property except in use with door wreaths.

## **ARC STANDARD #10: Pets**

These guidelines apply to all types of animals or pets that an Owner may consider bringing into the subdivision.

- 1) No animals, livestock, or poultry of any kind may be raised, bred, kept, or permitted on any Lot, except cats, dogs, and other usual and common household pets.
- 2) No pet may be kept, bred, or maintained for any commercial purpose.
- 3) No pet shall be allowed to endanger the health of the community, make objectionable noise, or constitute a nuisance or inconvenience to the Owners or Occupants of other lots or the Owner of any property adjacent to the community.
- 4) Pets must be registered with accordance of the Gwinnett County laws and display proper tags on collars at all times.
- 5) All dogs shall be kept on a leash while they are outside the Owner's property.
- 6) Dogs that are kept outside must be kept in a fenced yard (ARC approved).
- 7) Dogs can be kept outside on a tether in the front yard for a period of no more than 6 hours. The tether must be removed and stored out of sight when not in use.
- 8) Owners are not to allow their dogs to urinate or defecate on any Lot or the Common Area. Proper and immediate cleanup of pet feces is required, including on the pet owner's lot. The Board will have the right to fine Owners for allowing their dogs to defecate on any other Lot besides their own.
- 9) Dogs are not to be contained (fenced-in or tied) on any Lot and left unattended such that a nuisance condition is created or occurs.
- 10) Homeowners are to keep their dogs from barking for extended periods. Any barking after 10 PM which is audible in other dwellings shall be deemed a nuisance. The Board will have the right to fine owners for allowing their dogs to bark for extended periods of time, creating a nuisance.
- 11) Cats should be kept within the boundaries of the Owner's property. It is recommended that cats wear breakaway collars if left outside to protect wildlife and birds.

## **ARC STANDARD #11: Private Pools**

### **A. In-Ground Pools**

Per the Declaration, all swimming pools, without exception, must receive ARC approval prior to installation and must be located between the rear dwelling line and the rear lot line of the property. Building permits must be obtained and county regulations must be followed.

The following guidelines must be followed for ARC approval:

- 1) Appearance, size, design, materials, height, and detailing of all retaining walls must be consistent with the architectural character of the house – some terracing may be acceptable;
- 2) Privacy fencing must meet fence guidelines and state and county requirements;
- 3) Maximum pool area is 1,000 square feet;
- 4) A description of lighting must be included. Glaring light sources which can be seen from neighboring lots may not be used;
- 5) Landscaping enhancement of the pool area and screening with landscaping is required. and
- 6) All pump and filter equipment must be screened from view and located in a place where it will not cause a nuisance to adjacent properties.

Wading pools for children, not exceeding 1 foot in depth, which are temporary, portable, one piece, and not requiring assembly are permitted without ARC approval. Such pools must be stored indoors or otherwise hidden when not “in-season”.

Above ground pools are not permitted.

## **B. Hot Tubs**

An “Application for Modification” form must be submitted to the ARC for exterior hot tubs. Hot tubs and all pump and filter equipment must be screened from adjacent properties and streets.

## **C. Children’s Portable Wading Pools**

An “Application for Modification” form is not required for children’s portable wading pools (those that can be emptied at night). Portable wading pools must be stored out of sight from the street when not in use and may not be kept in view from the street for more than 48 hours.

## **ARC STANDARD #12: Private Tennis Courts**

Private tennis courts are not permitted in the Clairemont community.

## **ARC STANDARD #13: Vehicles & Parking**

The purpose of this section is to help maintain the neat and attractive appearance of the Clairmont community by requiring the streets of the development to remain cleared and for larger vehicles and equipment to be either hidden from view or eliminated altogether if intended to be stored on more than a temporary basis.

No vehicles of any type whatsoever shall be permitted to park on the streets of the Clairmont development on a permanent basis, but shall be allowed on a temporary basis not to exceed 8 hours. Notwithstanding the above, all automobiles owned or used by owners, other than temporary guest(s), shall be parked in garages to the extent that garage space is available. No owners or occupants of any property shall repair or restore any vehicle of any kind within a lot, except within enclosed garages, or for emergency repairs, and then only to the extent necessary to enable the movement of the vehicle to a proper repair facility as soon as possible. The following guidelines apply to vehicle and parking in Clairmont subdivision:

- 1) No towed vehicle, boat, trailer, camper, recreational vehicle, motor home, mobile home, truck with camper top, commercial vehicle, truck over one ton capacity, motorcycle, minibike, scooter, go-cart, bus, or similar vehicle is permitted on any lot for more than 24 hours, except if kept in an enclosed garage.
- 2) No school bus shall be parked in the Clairmont subdivision for more than 6 hours.
- 3) No commercial vehicle or any vehicle displaying signage may be parked or stored in open view in the Community for longer than a 48-hour period.
- 4) No vehicle may be parked on any yard, sidewalk, or side yard; and all vehicles must be parked in either a garage or driveway. No parked vehicles are allowed on a consistent basis on the street. Temporary parking (six hours or less) is allowed if not a nuisance to neighbors or an impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways or the flow of traffic.

**Note:** The temporary removal of vehicles noted in item three of this guideline is not sufficient to establish compliance with the 48-hour parking limitation.

## **ARC STANDARD #14: Antennas, Satellite Dishes**

### **A. General Guidelines**

This guideline applies to installation, attachment and maintenance of direct broadcast satellite (DBS) dishes or antennas and multi-channel multi-point distribution services (MMDS) dishes or antennas (herein collectively called "Satellite Dishes" which definition shall include the supporting mast, cabling and all other components or accessories).

Prior approval of the ARC shall not be required for the installation or use of a complying satellite dish or mast. However, if it is determined that the Satellite Dish cannot receive

an acceptable quality DBS or MMDS signal in any of the pre-approved locations, the following procedure should be used. Prior to installing the Satellite Dish in alternate location, the Owner must submit to the ARC a written request to install the Satellite Dish in an alternate location. This request must include specific, written documentation describing why the pre-approved locations are not acceptable.

The following shall govern the installation and use of Satellite Dishes:

- 1) Freestanding transmission antennas (i.e. ham radio antennas, antenna towers) are strictly prohibited and will not be approved by the ARC.
- 2) Only antennas, satellite dishes and any mast supporting any of the antennas intended for the reception of television, direct broadcast or multichannel multipoint signals are allowed. All other antennas are prohibited in the the Clairemont Subdivision.
- 3) Satellite dishes should follow the general guidelines:
  - a. Satellite Dish Size Limits. Satellite dishes shall be no larger than one meter in diameter. Satellite dishes or antennas mounted on masts are prohibited except where necessary for reception of an acceptable quality and within the total size limit provided. The mast is limited to twelve feet in height above the roofline. Concealed cabling shall not count toward this total size guideline.
  - b. Location. The satellite dish must be placed in the location that is least visible to public view. Satellite dishes may be installed, in order of priority, in the following locations without requesting approval from ARC.
    1. The Rear of the Home. Whenever possible, satellite dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.
    2. Ground mounted. When ground mounted, satellite dish must be screened from view by natural landscaping – no lattice. Any cables must be buried.
    3. Rooftop mounting. Satellite dishes are allowed only on the rear of the home.
  - c. Installation. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface. Any cabling on the surface of the exterior siding or brick of any home shall be painted to conceal it from view.
1. All antennas shall be attached to the rear of the house when such installation allows for proper reception of television, direct broadcast or multichannel multipoint signals.
2. When the antenna or satellite dish is unable to be positioned on the rear of the house, it shall be fastened to a rear corner or to the roof behind the peak as to hide the view of the antenna or satellite dish from the street. Satellite dishes may

be mast or pole mounted only when both of the above installation locations unreasonably delays or prevents installation, maintenance or use; unreasonably increases the cost of installation, maintenance or use; or precludes reception of an acceptable quality signal. When mast mounting is used, the total height of the dish and pole in total is to be less than twelve (12) feet above the roof.

The owner or Occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to (a) reattachment of Satellite Dish, and any components thereof, within forty-eight hours of dislodging, for any reason, from its original point of installation; (b) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.

## **Fines**

The respective Clairemont Homeowners Association Board of Directors and the ARC is bound by and have a duty to enforce the *Declarations of Covenants* which provides for Right of abatement, including assessments, interest, costs or charges. This shall include imposing fines or other sanctions. Each violation or unapproved modification of a Clairemont homeowner's property shall first be addressed by demand of correction and remedy as required in the Covenants. For each uncorrected violation or unapproved modification of a homeowner's property that shall remain uncorrected or not remedied there shall be assessed a fine until such time as the violation is corrected. These fines shall be included in the general collection procedures on the Clairemont Homeowners Association, to be assessed and imposed on a monthly basis for ongoing violations, with all legal and administrative fees incurred by such levy to be born by and accumulated by the homeowner's property. Fines shall be imposed at the discretion of the Board of Directors of the Clairemont Homeowners Association and will be assessed at \$100 per month for each incident or violation.

## **Forms**

### **A. Instructions for Request for Modification.**

The Clairemont Homeowners Architectural Review Committee (ARC) utilizes an application procedure to review all exterior changes to any Lot. These Rules and Restrictions are defined in the Declaration of Protective Covenants, and supplemented in the published Design Standards and Guidelines. The application is considered complete when all required documentation has been received. If your application is incomplete, your application will be returned unprocessed.

1. For minor modifications, (such as a children's playset), submit a drawing, product brochure, or description of the planned modification, including the planned location.
2. For moderate modifications, (such as fences or painting), or major modifications, (such as building additions or walls), please enclose a copy of the following with your

request:

- A. A site plan, to scale, showing exact location of modification being requested in relation to your property lines or a State of Georgia registered survey plat clearly showing property line, existing improvements and proposed modification(s). Existing fences, decks, walkways, driveways, etc., should also be indicated.
  - B. A complete description of the modification, drawings, exterior elevations, floor plan, detail of materials to be used, pictures, catalog pages, brochures, or color sample must be included as appropriate.
3. It is mandatory that homeowners check with the appropriate Building & Inspections Department to obtain necessary permits and building code information. Approval by the Association does not imply and is not to be construed as deeming your project acceptable by Gwinnett County.
  4. In the rare instance that a review fee is required with the application for modification (a large project that requires external costs to conduct the approval process), the fee must accompany the application. Check with the management company, to verify if a fee is required. This fee may be paid by either personal check, money order, or cashier's check made payable to Clairemont Homeowners Association, Inc. To ensure receipt of your check, please staple it to the application. Please do not send cash.

Please print legibly in black ink, provide your complete legal name, and provide the address where the ARC decision should be mailed. Complete the entire "Application for Modification" form and sign and date it. All ARC applications are to be mailed to:

The Clairemont Homeowners Association  
Architectural Review Committee  
C/O Homeside Properties  
1005 Alderman Drive Suite 112  
Alpharetta, GA 30005  
Telephone 678-297-9566  
Fax 678-297-9491

**CLAIREMONT HOMEOWNERS ASSOCIATION, INC.**  
**Application for Modification**

Date: \_\_\_\_\_ Fee Enclosed(if Required) \$ \_\_\_\_\_

Homeowner's Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_  
Estimate Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

**TYPE OF MODIFICATION BEING REQUESTED**

Arbor                       Change of House Color                       Play Equipment  
 Basketball Goal                       Landscaping                       Satellite Dish  
 Statuary                       Other (explain) \_\_\_\_\_

**MODERATE MODIFICATION**

Deck                       Gazebo                       Screened Porch  
 Retaining Wall                       Fence                       Other (explain) \_\_\_\_\_

(\$ \_\_\_\_\_ Review fee for the above change prior to starting modification)

**MAJOR MODIFICATION**

Room Addition                       Swimming Pool                       Other(explain) \_\_\_\_\_

(\$ \_\_\_\_\_ Review fee for the above change prior to starting modification)

EMAIL ADDRESS: \_\_\_\_\_

Permission is hereby granted for members of the ARC and appropriate Clairemont Homeowners Association, Inc. representatives to enter the property to make reasonable observation and inspection of the modification request and completed project.

**I have discussed this modification with my neighbors who will be directly impacted by the proposed modification.**

I understand and agree that no work on this modification request shall commence until written approval of the ARC has been received by the applicant/property owner. I represent and warrant that the requested modifications strictly conform to the Declaration of Covenants, Conditions, Restrictions and Guidelines for Clairemont subdivision. I further understand and agree that as the property owner, I am responsible for complying with all city and/or county building and zoning regulations.

to structural, electrical, heating, water, gas or sanitary plumbing systems will most likely require a permit.

**INCOMPLETE APPLICATIONS WILL CAUSE DELAYS IN PROCESSING**

I further understand and agree that no work on this modification request shall commence until written approval of the ACC has been received by the property owner. I represent and warrant that the requested modifications strictly conform to the Declaration of Covenants, Conditions, Restrictions and Guidelines for The Clairemont Homeowners Association. I further understand and agree that as the property owner, I am responsible for complying with all city and/or county building and zoning regulations.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please return completed form to:**

**Clairemont Homeowners Association  
Architectural Review Committee  
C/O Homeside Properties  
1005 Alderman Dr. Suite 112  
Alpharetta, GA 30005**

**Telephone: 678-297-9566  
Fax Number: 678-297-9491**

Please allow a maximum of thirty (30) days for a modification review. If modification(s) are started prior to approval, a cease work order may be applied and fines may be levied as provided in the Association Bylaws.

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**TO BE COMPLETED BY ARCHITECTURAL REVIEW COMMITTEE (ARC)**

DATE RECEIVED: \_\_\_\_\_

DATE REVIEWED: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Committee Action:

- \_\_\_\_ Approved as Submitted
- \_\_\_\_ Conditionally Approved
- \_\_\_\_ Disapproved
- \_\_\_\_ Deferred Until (when): \_\_\_\_\_

\_\_\_\_ Withdrawn  
\_\_\_\_ Returned for insufficient information that includes:

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\_\_\_\_ CONDITIONAL APPROVAL: The Application for Modification will be approved within 15 days after resubmission, provided that the following modifications are made:

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**Fines**

- A. The respective Board of Directors and the ARC is bound by and have a duty to enforce the Declarations of Protective Covenants Article XII, Section 1, which provides for imposing fines or other sanctions. Each violation or unapproved modification of a Member property shall first be addressed by demand of correction and remedy as required in the Covenants. For each violation or unapproved modification of a Member property that shall remain uncorrected or not remedied shall be assessed a fine until such time as the violation is corrected. These fines shall be included in the general collection procedures of The Clairemont Association, to be assessed and imposed on a quarterly basis, with all legal and administrative fees incurred by such levy to be born by and accumulated to the Member property. The following such fines shall be imposed as follows at the discretion of the Board of Directors of the Association:

**ARC Design Standards and Guidelines Monthly Fine(s)**

- For violation of Section A, "General" n/a
- For violation of Section B, "Residential Use" \$100.00 to \$ 500.00
- For violation of Section C, "Signs" \$ 50.00
- For violation of Section D, "Vehicles" \$ 100.00
- For violation of Section E, "Parking" \$ 25.00
- For violation of Section F, "Leasing" \$ 25.00
- For violation of Section G, "Occupants Bound" n/a
- For violation of Section H, "Animals and Pets" \$ 75.00
- For violation of Section I, "Nuisance" \$ 100.00
- For violation of Section J, "Unsightly, etc" \$ 100.00
- For violation of Section K, "Architectural Standards" \$ 25.00 to \$ 500.00
- For violation of Section L, "Antennas" \$ 50.00
- For violation of Section M, "Tree Removal" \$ 100.00 per tree
- For violation of Section N, "Drainage" \$ 75.00
- For violation of Section O, "Sign Distance" \$ 25.00 to \$ 100.00

For violation of Section P, "Clotheslines, etc" \$ 50.00  
For violation of Section Q, "Subdivision of Lot" n/a  
For violation of Section R, "Guns" \$ 200.00  
For violation of Section S, "Fences" \$ 75.00  
For violation of Section T, "Utility Lines" \$ 100.00  
For violation of Section U, "Air Conditioning Units" \$ 50.00  
For violation of Section V, "Lighting" \$ 25.00  
For violation of Section W, "Artificial Vegetation, etc" \$ 25.00  
For violation of Section X, "Energy Conservation, etc" \$100.00  
For violation of Section Y, "Swimming Pools" \$100.00  
For violation of Section Z, "Gardens, Compost, etc" \$100.00  
For violation of Section AA, "Mailboxes" \$ 50.00  
For violation of Section BB, "Exteriors & Painting" \$ 250.00  
For violation of Section CC, "Misc, etc" \$100.00  
For Violation of Section DD, Yard Furniture \$100.00  
For violation of Section EE, Driveway & Sidewalks \$ 100.00