

# Architectural Standards

## 1. OVERVIEW

It is the intent and responsibility of the Architectural Review Committee (ARC), to assist members of the Bayswater Common Homeowners Association (BCHA) in obtaining the fullest enjoyment of their property, while sustaining an attractive, harmonious and well maintained community. To promote our common goal, the ARC has developed this Architectural Standards document which is sanctioned by the Board of Directors of Bayswater Common.

- 1.1. **BASIS FOR THIS DOCUMENT:** The ARC derives its charter, scope and authority from applicable articles, sections and paragraphs from the BCHA Articles of Incorporation, Declaration of Covenants, and By-Laws.
- 1.2. **PURPOSE OF THIS DOCUMENT:**
  - a. Amplify Articles of the Bayswater Common Covenants wherein authority to promulgate restrictions and rules are designated to the Board and the ARC.
  - b. Define and clarify Architectural Standards for all new and existing homes, including all applicable “projects” in Bayswater Common.
  - c. Outline the Committee's role and responsibilities.
  - d. Provide a set of ARC Standards and Processes by which all current and subsequent homeowners must adhere.
  - e. Assist the ARC in maintaining a conforming “look and feel” to the Bayswater Common Community.
- 1.3 **BACKGROUND:** Our protective Covenants bind the BCHA and its members. They assure members certain minimum standards for land use, architectural control and property maintenance administered through the Board of Directors. To this end, our Architectural Standards have been established to clarify, reflect and enhance the design and maintenance experience, as well as resident requirements in support of our Covenants. It may be possible to point to a specific feature, modification, or addition to an existing home or property and observe that it would not be approved under the rules contained herein. However, *from this date forward, a “project” will not be approved simply because the same or similar design, modification, or addition already exists in Bayswater Common. All current and future maintenance projects, modifications and additions to existing homes and properties shall comply with the Architectural Standards contained herein unless the ARC deems a variance will not endanger the conformity of the neighborhood. Conversely, all previously approved construction, modifications, and additions are “grandfathered” unless specific items are inherently deemed to disrupt the standards and conformity of the community’s intent.*
- 1.4 **APPLICABILITY:** Each and every lot owner, upon acceptance of a deed for any lot in Bayswater Common, is subject to BCHA obligations and rules. However, when local laws, standards, codes or ordinances are more restrictive than our protective Covenants, By-Laws or ARC Standards, then local directives shall prevail. Architectural Standards may encompass or overlap with other BCHA restrictions and rules, thus in the event of a conflict, Covenants take precedence over Architectural Standards.
- 1.5 **DOCUMENTATION:**
  - a. The ARC shall maintain and supply forms for the purpose of documenting homeowner projects.
  - b. The ARC shall organize the collection of forms and documents that describe the structure, purpose, construction material, color, timeline, and any special requirements for such a project.
  - c. The ARC shall maintain a log of requested projects and their dated outcome with cross-reference to the submitted ARC forms and documents.

## 2. PRINCIPAL DWELLING AND PROPERTY RULES

The following “projects” to a principal dwelling and/or property require the Architectural Review Committee's approval. These Standards are promulgated from Article VI of the Bayswater Common Covenants and as such are binding upon all homeowners. These include but are not limited to:

• Property Maintenance	(Ref: Art.VI, Section 3)
• Landscaping	(Ref: Art.VI, Section 3)
• Animal and pet restrictions	(Ref: Art.VI, Section 4)
• Vehicles	(Ref: Art.VI, Section 9)
• Satellite dish location	(Ref: Art.VI, Section 12)
• Fences and retaining walls	(Ref: Art.VI, Section 17)
• Signs	(Ref: Art.VI, Section 22)
• Home additions or exterior modifications	(Ref: Art.VI, Section 23)
• Swimming pools	(Ref: Art.VI, Section 23)
• Decks and porches	(Ref: Art.VI, Section 23)
• Patios	(Ref: Art.VI, Section 23)
• Sheds / Utility buildings	(Ref: Art.VI, General)
• Architectural enhancements	(Ref: Art.VI, General)

If an owner has any question as to whether their home or landscape projects need Architectural Review Committee's approval, they are urged to contact the ARC prior to commencing an activity.

*(Note: Acquiring the appropriate building permits and adhering to City and County ordinances is the responsibility of the property owner and/or his/her representative.)*

- 2.1 **PROPERTY MAINTENANCE:** Property owners in Bayswater Common are responsible for the upkeep and appearance of their principal dwelling and surrounding property so as not to detract from the overall ambiance of the neighborhood. The exterior of the principal dwelling shall be maintained free of (a.) peeling paint, (b.) damaged brick, stone or siding, (c.) faded or washed out stain or paint, (d.) missing roof shingles, (e.) damaged windows, etc. This applies not only to occupied property, but to unoccupied lots as well. Non-resident property owners are bound by these rules.
- 2.2 **LANDSCAPING:** The Owner(s) of each Lot shall, at their sole cost and expense, keep their respective landscapes and lawns in a well-maintained, safe, clean and attractive condition at all times. Such maintenance includes, but is not limited to, the following:
  - a. Prompt removal of litter, trash, debris, refuse and waste;
  - b. Lawn mowing on a regular basis, preferably twice per month during the active season with edging maintained in a neat and trim manner;
  - c. Removal of dead tree branches and shrubs trimmed to keep an attractive appearance;
  - d. Keeping lawn and garden areas alive, free of overgrown weeds and trimmed neatly.
  - e. Properly disposing of leaves. The blowing or sweeping of leaves into the streets, storm drains, runoff basins or the lake, for the purpose of disposal is prohibited.
- 2.3 **ANIMAL and PET RESTRICTIONS:** No pet shall be permitted to become a nuisance or disturb other residents of the Community, either through odor, noise, or otherwise. In the event a pet becomes a nuisance, the Board shall have the right to require the owner to immediately remove that pet from the premises. Dog houses, dog runs and other pet enclosures are to be placed in the back yard only and not in public view. They shall be located as close as possible to the rear of the principal dwelling. The color of pet enclosures shall compliment those of the principal dwelling. Dog runs may be constructed from sturdy chain link fencing and must have a lockable gate. If a dog run is visible to neighbors, appropriate aesthetic screening or landscaping must be used to limit visibility. For the purposes of the Covenants, a “reasonable number” of pets, specifically dogs and cats, shall be defined as totaling 4 in number per household. Small indoor pets are excluded from this provision (examples: fish, birds, hamsters, etc.).
- 2.4 **VEHICLES:** Automobiles and like vehicles shall be kept in the principal dwelling garage and/or driveway, and not routinely parked on the street. Additionally, homeowners may not routinely park more than 3 vehicles in their driveway. Open-air maintenance and repair of vehicles is restricted to four (4) days. Repairs requiring additional time to complete shall be accomplished in the garage or off premises (external to Bayswater Common). Vehicles of any type may not be parked on grass areas.
- 2.5 **SATILLITE DISHES:** No TV antennas or transmitters may be installed. Professional installation of satellite dishes less than 22” in diameter may be permitted on the back portion of a home or roof, and hidden from public view if possible. Installation is permitted on the side of a home or roof if required

for reception; but never on the front of either. If such a side installation is required, the homeowner shall use the back half of the side surface and make every attempt to diminish the installation from public view. Installation of a satellite dish on the ground is not permitted.

- 2.6 **FENCES:** Fences are not permitted forward of the back line of the principal dwelling unless approved by the ARC. Special exceptions may include corner lots or where a lot is not necessarily square. Only one type fence is to be placed on, or near, any common property line, unless approved by the ARC. Chain link and wire fences are not permitted. Wood fences shall be unfinished or sealed with a transparent stain in acceptable earth tone colors. The ARC must approve the use of solid stain colors. White painted board, lattice or picket fences are acceptable. Homeowners are restricted to a fence height of six (6) feet unless approved by the Committee. Diagrams depicting the planned fence construction must be submitted, and once approved by the Committee, shall be completed within six (6) months from the date of plan approval. All retaining wall structures require submitted plans to be approved by the ARC. Permitted fence types and colors shall include, but are not limited to:
- 2.6.1 Wood – unfinished, stained or white
  - 2.6.2 Wrought Iron – black or very dark
  - 2.6.3 Vinyl – white or a color complimenting the exterior of the home
  - 2.6.4 Country Post and Rail – unfinished or stained. Posts must be wood, stone or brick
- 2.7 **SIGNS:** Signs, banners, flags, decorative hangings or streamers, posted in the front or side yard, are subject to the restrictions below. Signs, flags, etc. meeting these restrictions may be posted or hung at residence discretion provided they are aesthetically pleasing and adhere to Covenant regulations. Signs may not be posted in the common areas without ARC approval. Sign restrictions include, but are not limited to:
- a. “For Sale” and construction signs may not exceed 2.5’ x 2.5’ in size.
  - b. “Yard/garage sale” signs may not exceed 2’ x 2’ and are restricted to 3 days prior to the event until 1 day after the event.
  - c. Political or campaign signs may not exceed 2’ x 2’ and may be posted not more than 30 days prior to an election until 5 days after.
  - d. Signs, flags, banners, etc. shall not be used as front or side window decorations or substitutes for curtains or drapes.
  - e. Signs advertising Charitable events (ex. National Cancer Awareness Day), and special events (ex. celebrate High School graduates), or to promote local events (ex. Church concert or Suwanee Days) must receive prior approval by the ARC and not exceed 14 days of posting. Signs may be resubmitted for posting after 30 days of relinquishment.
  - f. Security signs not larger than 15” x 15” are permitted.
- 2.8 **HOME ADDITIONS or EXTERIOR MODIFICATIONS:** Exterior home additions that add living space to the home shall match the principal dwelling in appearance (i.e., roof, exterior walls, windows, doors and foundation material) and should look integral to the original dwelling (i.e., not tacked on). Exterior modifications shall meet the same requirements as new or existing homes unless otherwise approved by the ARC. *Note: Acquiring the appropriate building permits and adhering to City and County ordinances is the responsibility of the property owner and/or his/her representative.*
- 2.9 **SWIMMING POOLS:** In-ground swimming pools must be situated in the rear of the property (except for corner lots) and is the property owners’ responsibility to adhere to all City and County regulations. Above ground pools, other than inflatable children’s pools, are not permitted. Spas (hot tubs) are permitted in back yards. A Committee approved fence must enclose in-ground swimming pools and have a lockable gate. Pool servicing equipment must be stored in the back yard when feasible. When space or other conditions require side yard installation of servicing equipment, such equipment shall remain on the back 1/3 of the side yard property and appropriate decorative screening shall be employed and approved by the ARC. Pool water must be maintained in a condition so as not to cause unsightly appearance or unhealthy conditions.
- 2.10 **DECKS and PORCHES:** Decks and porches may be constructed off the rear of the principal dwelling. This does not include steps leading to these structures. Decks shall be unfinished or sealed with a transparent stain in acceptable earth tone colors. Decks and porches may be painted in a color complimenting the trim color of the principal dwelling. The Committee must approve use of solid stain and paint colors. If the underside of the deck/porch is used for storage and in view of the neighbors, the

deck and/or porch must include lattice, enclosing the deck and/or porch from framework level to the ground for those portions open to neighbor viewing.

- 2.11 **PATIOS:** Patios shall be constructed using concrete, slate, flat stone, brick, or paver-type stone. Patios must be constructed behind a line parallel with the back of the primary residence unless approved by the ARC. Patios with dimensions of less than 12' x 12' may be constructed without ARC approval provided they are not in public view. All patio sizes over 12' x 12' must have ARC approval.
- 2.12 **SHEDS/UTILITY BUILDINGS:** Sheds/utility buildings are only permitted in the back yard or the back 1/3 of a side yard property with appropriate decorative screening as approved by the ARC. Sheds visible from the street and/or adjacent property sitting on multiple levels of block and/or wood pilings to accommodate a sloping lot require screening with lattice, as well as landscaping. Sheds/utility buildings should not exceed 8.5' in height. The exterior color scheme shall compliment that of the principal dwelling; this also includes the color of roof shingles if applicable. Solid wood or shake roofs are not permitted.
- 2.13 **ARCHITECTURAL ENHANCEMENTS:**
  - 2.13.1 Permanent, front or side yard, architectural structures must be aesthetically pleasing and consistent with outdoor landscape architecture. No gazebo, trellis, arbor, pergola or other similar landscape structure shall be erected, modified or placed upon any Lot without prior written approval by the ARC. All approved structures must be appropriately maintained to ensure a high level of quality, harmony and conformity throughout the property.
  - 2.13.2 Front or side yard, architectural and landscape decorations, including but not limited to, figurines, statues and ornamental objects must be approved by the ARC. Any decorative pond, stream, streambed, fountain, or water feature, in public view, must be approved by the ARC and must be removed if not appropriately maintained by the owner. Benches, chairs and tables, used as front yard decorative fixtures must be aesthetically pleasing, conform to neighborhood standards, and approved by the ARC.

### **3. MISCELLANEOUS RULES:**

- 3.1. Seasonal decorations shall not be put in place more than thirty (30) days before a holiday (or generally accepted event) and shall be removed within fourteen (14) days after such holiday or event.
- 3.2. The lake shall not be used for the purpose of disposing of leaf and grass clippings. No refuse, trash or debris of any kind may be dumped into the lake. Twigs and branches should be disposed of properly and not tossed into the lake for removal.
- 3.3. All residents owning boats that are stored on the dam must register with the ARC or Board secretary to receive a number to place on their boat. All boats unregistered for 30 days are subject to fines. All boats unregistered and unclaimed for 90 days may be confiscated by the Board for non-compliance and disposed of or sold. No motors are allowed on any boats using the lake except electric motors not exceeding 2 hp or approximately 45 pounds of thrust.
- 3.4. Children's recreational equipment shall be restricted to back yards or the back 1/3 of the side yard. Exceptions may include corner lots or where a lot is not necessarily square. Homeowners may install swings and outdoor gym sets in back yards without approval or the back 1/3 of the side yard after ARC approval. Non-standard items (e.g., skateboard ramps, tractor tires utilized as sandboxes, etc.) are not permitted in public view. Basketball goals must be free standing, as opposed to the type mounted on the principal dwelling, and preferably positioned at the rear end of the driveway. Hammocks are not allowed in the front yard area. All equipment must maintain a standard of good quality.
- 3.5. Vegetable gardens are permitted if situated between the rear line of the principal dwelling and back property line. The size of the garden may not exceed 1/3 of the rear area of the property unless approved by the ARC. All gardens must be properly maintained and not allowed to deteriorate. Excessive garden growth should be properly screened from neighbors.

- 3.6. Solar collectors shall not be placed on the front side (street side) of the principal dwelling. They should be placed to the rear or side of the home and not visible from the street. Large collectors on a sloping roof should be parallel with the roof. Smaller collectors may be laid on top of a sloping roof and finished to replicate a skylight. Ground mounted collectors may be located in the back yard only and must be aesthetically screened. Solar collector framing should be painted to match the background color of the roof or house trim. Plexiglas framing is not acceptable (unless approved by the ARC) as it will sag and yield an unsatisfactory appearance. All pipe work shall be aesthetically concealed.

#### **4. THE COMMITTEE AND ARCHITECTURAL CONTROL PROCESS**

- 4.1. **THE COMMITTEE:** The BCHA Board of Directors shall confirm the Chairperson of the Architectural Review Committee within 30 days of the annual meeting. The Committee Chairperson shall solicit and/or accept volunteers to establish a Committee size of at least three (3).
- 4.2. **ARCHITECTURAL CONTROL PROCESS:** Homeowners and the ARC Committee shall adhere to the following control process.

*The Homeowner, before commencing a project, shall:*

- 4.2.1. Review the restrictions and rules contained in the applicable Bayswater Common Declaration of Covenants and Architectural (ARC) Standards.
- 4.2.2. Complete the "ARC Property Modification" form included as an attachment to this document.
- 4.2.3. Deliver the completed application and all required attachments (e.g., blueprints, product brochures, drawings, color specification, etc.) to an ARC committee member or mail all information to BCHA, P.O. Box 502, Suwanee, GA 30024.

*The Homeowner shall also:*

- 4.2.4. Upon the approval of a request, adhere to the agreed upon guidelines provided by the ARC.
- 4.2.5. Upon the approval of a request, all projects must be started within 3 months of approval and completed within 6 months of the start date, unless modified by the ARC. Projects not meeting these timelines must resubmit their documents for re-approval by the ARC.
- 4.2.6. Upon the disapproval of a request, the applicant may resubmit his/her "revised" application for reconsideration by the Committee.
- 4.2.7. If, for any reason, the applicant wishes to appeal the Committee's decision, he/she may submit an appeal to the President of the BCHA, who will place the item on the agenda of the next regularly, scheduled Board of Directors or general meeting, whichever is sooner. The President may request a representative of the ARC be present.

*The ARC Committee shall:*

- 4.2.8. Review the "project" application within ten (10) working days of receipt, unless unusual circumstances warrant an extension.
  - 4.2.9. Review the Architectural (ARC) Standards when necessary to clarify the requirements of the request.
  - 4.2.10. Conduct a site survey, if necessary, to better visualize the impact and/or aesthetics of a proposed project.
  - 4.2.11. Vote to approve/disapprove the proposed project via a simple majority of the current Committee members of record.
  - 4.2.12. Provide the applicant with a written statement of approval or disapproval.
  - 4.2.13. If disapproved, the Committee Chairperson will include rationale and recommended changes.
  - 4.2.14. Any ARC application that goes unanswered for a period of 60 days will automatically be approved without further action. It is the homeowner's responsibility to assure that the ARC has received their request and without such, this rule is not in effect.
- 4.3. **EMERGENCY REPAIRS:** Homeowners may under emergency circumstances repair any damaged portion of their home or property without immediately notifying the ARC. However, when circumstances and time permit, the ARC should be notified as to the nature of the repair and work with the Committee to ensure that any and all repairs adhere to the Architectural Standards. This Section may not be used as a way to circumvent normal and reasonable maintenance.

*If any project mentioned herein is commenced without prior written approval from the Architectural Review Committee, the Committee, by way of the BCHA, has the right and responsibility to seek fines and/or legal*

*action against the property owner. All costs incurred are the responsibility of the property owner in question, and until resolved, a lien may be placed against the subject property.*

- 5. VIOLATION REPORTING PROCEDURE:** While the Board recognizes its sole authority to enforce the Covenants and Architectural Standards, we encourage neighbors to work together. Whenever possible, we recommend differing parties to address their grievances with each other before filing an official complaint.
- 5.1. The first step in reporting an alleged violation is for the homeowner to contact a Board member or ARC Committee member.
  - 5.2. If a formal complaint is to be made, the owner alleging the violation must submit in writing or email the offending action and the Article or Section number believed to address the violation.
  - 5.3. The Board or the ARC must respond to the complaint within seven (7) days to the person reporting the violation. The response should contain one of the following: (a) intent to contact the offending party, (b) a decision that the alleged violation was in error or, (c) the ARC has allowed a variance.
  - 5.4. If the Board or the ARC determines that a violation has occurred, they will notify the offending party within seven (7) days of responding to the complainant.
  - 5.5. The ARC or the Board first has the option of contacting the offending party in person or by phone within the 7-day period stated above. If no such personal contact is initiated, an official notice must be sent as per Section 5.4. If personal contact is initiated, a 4-day period will be allowed to correct the violations, after which, if left uncorrected, an official notice shall be sent.
  - 5.6. An official notice (other than verbal) shall be in writing, as per Covenant rules, and indicate the violating Article and/or Section with details for a resolution. The notice should also state a 10-day period is allowed to correct the violation, request an extension or request a hearing.
  - 5.7. The Board or ARC may from time to time adopt or amend procedural guidelines to enforce, notify and conduct business related to Covenant, By-laws and Architectural Standard violations.

## **6. FINES FOR NON-COMPLIANCE**

- 6.1. The Board of Directors shall, upon majority consent, and not as a standard practice, have at their discretion the authority to waive, discontinue or modify fines herein stated for non-compliance. The Board of Directors may, but are not obligated to, delay such fines until reasonable notification and response has occurred depending upon the nature and gravity of the violation. A reasonable response time shall be as stated in Section 5.
- 6.2. Any project subject to ARC approval and/or BCHA Covenants that is started without such approval shall be fined \$50 upon notification to the homeowner. In addition to notification, the ARC or Board may request a pause in the project whereby the homeowner must furnish the appropriate ARC documents prior to commencing. In the event the project could be jeopardized by a temporary pause, the homeowner must complete all appropriate ARC documents within 10 days of the Committee's request. If not completed within this time period, an additional \$50 fine will be assessed automatically. The assessment of such fines shall incur 10% interest per annum (if not paid within 10 days of notification) from the date of the infraction.
- 6.3. Notwithstanding the above section, in the event any homeowners' project grossly ignores the Covenants and/or Architectural Standards or disrupts the conformity of the subdivision, the Board of Directors in consulting with the ARC may at their discretion, request the homeowners to dismantle or modify the project until such time as conformity is reached. If the homeowner refuses to abide by the Board/ARC decision, a \$50 fine per week and/or legal action may be taken by the Board of Directors to cause such conformity. All subsequent fines, any services required, and all legal costs shall be borne by the homeowner in the form of an immediate assessment, in and of itself being subject to the BCHA Covenants.
- 6.4. Fines and homeowner responsibilities for non-compliance, missing documents or refusal to pay assessments shall include, but are not limited to: (a) \$50 per week until compliance is met, (b) 10% per annum interest, from the day of the infraction, on all delinquent assessments, (c) all service, contractor and attorney fees, (d) costs incurred in the dismantling of the violating project, (e) all other costs and/or fees, and (f) receipt of a property lien being placed upon the homeowner's principal residence.