



Homeowners Handbook

**Public Website:
www.northgatehoa.com**

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1.0 INTRODUCTION

The Homeowners Association of Northgate at Legacy Park was incorporated in December of 2000 and the homeowners took control from the developer March 1, 2001. The Homeowners Association is governed by a Board of Directors consisting of volunteer homeowners.

Design Guidelines and Rules are intended to ensure the protection of Northgate at Legacy Park, community lifestyle and individual property values through the establishment of architectural standards, design review, and community rules. All property owners are bound by these guidelines.

As provided in the recorded Declaration of Covenants, Conditions and Restrictions (CCR's) for Northgate at Legacy Park an Architectural Control Committee (ACC) has been established for the purpose of reviewing all plans pertaining to construction and modifications. In accordance with the CCR's, the ACC has created these guidelines and has the authority to change, modify, or add to the content of these Design Guidelines and Rules. The ACC may modify Section 4 to include additional restrictions. Design guidelines will be reviewed annually and the Homeowners will be updated about any changes made.

1.1 PURPOSE

Article V, Architectural Control, of the CCR's lays the groundwork for the architectural control process. This handbook provides additional information, though not all-inclusive, to assist property owners and residents in understanding and following community standards and procedures.

These guidelines address modifications and community rules with the intent of assuring Northgate at Legacy Park property owners the quality control they would expect to ensure the architectural theme of the community. An elaboration on the architectural review process is provided, as well as recommendations and performance levels as established by the ACC. Architectural variation is encouraged but the committee has set basic standards to promote harmonious community aesthetics and environmental compatibility for Northgate at Legacy Park.

2.0 MODIFICATIONS

Modification guidelines pertain to all properties contained within Northgate at Legacy Park. This section explains modification review procedures, as well as guidelines and restrictions to assist homeowners and residents in understanding community standards.

Section 4.1 entitled “Special Stipulations” includes a description of specific items which do not require prior written approval at this time, pending compliance with the conditions as noted. These guidelines are not intended to be all-inclusive.

2.1 MODIFICATION REVIEW PROCESS

In order to help maintain architectural integrity, property values, and association records, prior written approval of the Architectural Control Committee (ACC) must be obtained before any changes may be made to the exterior of a home or the lot. Any exterior addition or alteration *excluding* annuals, perennials, or a small number of shrubs needs prior written ACC approval.

Submission Requirements:

A request should include a complete description of the proposed change including style, color, dimensions, and material. When appropriate, requests must also show the location, marked on a copy of the site plan or survey of the lot. Exterior paint requests must include a large swatch of the color as well as the sheen. Pictures are helpful to the committee when making a decision. A Home Modification Application can be found in the back of this handbook as well as under the document section of our website at www.northgatehoa.com. Completed forms should be emailed to SJohansen@heritageproperty.com. Applications should be submitted well in advance of the scheduled commencement of the modification. As provided in the CCRs, the ACC has up to thirty (30) days from the receipt of a completed application to reach a decision on the request. Every effort is made by the ACC to process applications as quickly as possible.

Submissions that do not have the necessary information for review shall be deemed incomplete and the homeowner will be notified in writing (mail or email) that additional information is needed. In the event of a complex or major project, the ACC may request the applicant to present their design in person.

Failure of the ACC to act upon any completed request submitted within thirty (30) days from the date of receipt shall be deemed as approved as submitted, unless the modification or improvement is a violation of existing covenants. The applicant can contact the ACC at SJohansen@heritageproperty.com regarding the status of the request.

Modification Request Decisions:

The decision of the ACC will be delivered in person, by first class mail, by email, or by fax.

Appeals:

Within ten (10) business days after notice of an ACC decision, the owner may file a written request to the HOA Board. This request should be emailed to the HOA Board at SJohansen@heritageproperty.com and shall include a statement of the basis for such request and technical design information supporting such request.

After Approval:

Approved projects are to be completed with six (6) months from the date of approval. After six (6) months, if the approved modification is not completed, the application must be resubmitted for approval.

Inspection and Compliance:

The ACC may inspect the modification to verify compliance with the approved application.

Responsibilities:

Approval by the ACC does not relieve the owner of the responsibility of obtaining all other necessary approvals and permits required by the City of Kennesaw, Cobb County, the State of Georgia, and/or other agencies having jurisdiction over the project. Notification of the ACC's final approval constitutes an agreement by the Owner not to deviate from the approved plan unless such proposed deviation has been submitted to the ACC and has been specifically approved by the ACC. The ACC may, at its discretion, suggest alternative design solutions. However, such suggestions may not necessarily constitute an approved design solution and the ACC shall not have any responsibility for ensuring or making any determination regarding compliance of such suggested design solutions with applicable governmental regulations and other requirements.

NOTE: Any change made without proper approval, or contrary to any stipulations of approval, will be deemed in violation of the CCRs. In such instance, the homeowner will be notified, and correction will be required. If the Homeowner decides to make any changes or additions that are not outlined in the original application, a new request must be submitted for re-approval.

3.0 NOTICE OF VIOLATION

The following procedures will be taken by the Property Manager on behalf of the ACC and Board of Directors to enforce the CCR's and ACC guidelines:

1. All Owners and residents of the HOA shall comply with **ALL** of the provisions of the CCR's and ACC Guidelines. Failure to comply with the aforementioned documents shall be grounds for action to recover damages or for injunctive relief, for suspension of voting rights, for foreclosure of liens or any other legal or equitable relief deemed appropriate.
2. In the event any rule or regulation of the Association is violated, the owner shall be notified of the violation, by first class mail, or by a hand delivered notice. The notice shall be delivered according to the contact information on file. It is the responsibility of each homeowner to make sure their contact information is up to date with the HOA.
3. If the owner is a non-resident, a copy of the violation notice shall be sent to the tenant and the property owner.
4. If the owner shall fail to take reasonable steps to remedy any such violation within the time frames outlined, the Association will assess fines and/or invoke the Right of Abatement as outlined in Article VIII of the CCR's. The Homeowner will be advised of the Association's intended action by certified mail.

If any of the above violations go unresolved, the account will be turned over to the HOA's legal counsel for collection of the delinquent fines and/or the filing of a lien on the county deed records.

4.0 DESIGN GUIDELINES AND RESTRICTIONS

Antennas:

Antennas, such as AM/FM, amateur “ham” radio, Citizen’s Band “CB” radio or Digital Audio Radio Services “DARD,” require written approval of the ACC.

Awnings:

Awnings are not permitted on the front of the home. Rear awnings require written approval of the ACC and must be properly maintained. Rear awnings must be of a solid color complimentary to the home.

Basketball Goals:

Permanent basketball goals require written approval of the ACC and should be mounted on black poles with standard white, gray or clear backboards. Basketball goals or backboards cannot be attached to the home. Portable basketball goals should be kept adjacent to the driveway or in the rear yard when not in use. All basketball goals/backboards must be properly maintained. **(Article VI, Section 6.16)**

Decks:

Deck design and color require written approval of the ACC and may not have a negative impact on adjacent streets and properties. If lattice or arbors are added to a deck, they must be approved in writing by the ACC and are to match the deck color. Any items stored below a deck must be concealed from view of streets and neighboring properties by approved screening or landscaping.

Decorative Objects:

Man-made objects such as birdbaths, statues, figurines, pagodas, bird feeders, and wind sticks, etc., require written approval of the ACC if they are larger than twenty-four inches high and eighteen inches wide. All benches require written approval of the ACC.

Dog Houses:

Dog or pet houses require written approval of the ACC unless contained within a yard enclosed by a 6’ privacy fence. Exterior colors and materials of dog/pet houses should relate to the exterior of the house. Dog/pet houses must be screened from surrounding streets and adjacent properties.

Driveways:

Driveway extensions, additions or other changes require written approval of the ACC.

Exterior Design:

Any change to the existing color of your home requires written approval of the ACC. A large sample of color and sheen are required for approval. Primary colors for siding, stucco, brick, trim, gutters, garage doors or any other exterior surface must be selected to complement the architectural theme of the home and the neighborhood.

Exterior Lighting:

All exterior lighting should be of a low level, non-glare type, and positioned to minimize visual impact on adjacent properties and streets. Low voltage or solar landscape lights installed within 18 inches of the ground do not require prior ACC approval. All outdoor landscape lighting must be well maintained.

Colored lights shall not be used except those decorative holiday lights and ornamentation used during the holiday season from Thanksgiving through the weekend following New Years Day.

Exterior Maintenance:

All exterior surfaces must be maintained and in good condition. This includes, but is not limited to, siding, fences, decks, driveways, dog houses, storage buildings, etc. Routine repairs, painting, pressure washing and other appropriate care is required.

(Article VI, 6.02)

Fencing:

All fencing requires written approval of the ACC before installation. Backyard fences may not be installed further forward than the midway point of the dwelling. On corner lots, fencing into the side yard adjacent to the roadway may be subject to additional restrictions as determined by the ACC. The ACC encourages the use of privacy fencing constructed out of solid cedar or solid pressure treated materials. The finished side of the fence must face the neighboring streets and properties on all sides. Fenced dog runs or pens are permitted within the rear yard when surrounded by a 6' privacy fence. Chain link fencing is not permitted. **(Article VI, Section 6.11)**

Garbage Containers:

Garbage containers, recycling bins, and lawn refuse shall be stored in an area not visible from the street or surrounding homes. Garbage containers, recycling bins, and lawn refuse bags may not be placed curbside prior to the scheduled day of collection. These containers may be adjacent to the curb of the property from which it originates for collection, but in no case shall it be placed in such a position as to obstruct the sidewalk, gutter, or the free movement of traffic. Please refer to the Code of Ordinance for the City of Kennesaw for additional requirements and/or restrictions. **(Article VI, Section 6.14 & 6.20d)**

Garage Doors:

All garage doors must be operational. Any broken or damaged door must be repaired, repainted, or replaced immediately. Any change to a garage door must be in keeping with the style of the neighborhood and requires written approval of the ACC.

Landscaping and Ground Maintenance:

All landscaping should relate to the existing terrain and natural features of the lot. Any changes or additions to your landscaping, **excluding** annuals, perennials, or a small number of shrubs, requires written approval of the ACC.

- Each Homeowner is responsible for ensuring their home's lawn is mowed and properly maintained. This includes regular weeding, edging, watering and removal of debris.
- Mulch and pine straw should be replenished to look fresh as needed.
- The removal of trees requires written approval of both the City of Kennesaw and ACC. **Homeowners may remove fallen trees without prior approval from the ACC. All cut trees shall be removed from the property or properly stored for firewood. Stumps must be removed, all debris should be cleaned up, and the area should be properly landscaped.** Trees and shrubs should be planted so that they do not obstruct sight lines of vehicles and should be trimmed as needed. Trees should be placed so that the projected canopy (of a mature specimen) remains largely within the property line. Trees should not be planted on property lines to avoid impeding fencing or fence maintenance. **(Article VI, Section 6.07)**
- Landscape edging, such as railroad ties, garden timbers, stone, or brick to construct borders does not require prior ACC approval if it is less than 18 inches tall and is located within four (4) feet of the base of the home or walkway.
- Vegetable or herb gardens may be located between the rear of the dwelling and the rear lot line and should have minimal visual impact on neighboring streets and properties.
- Front yard or side foundation landscaping does not require approval if it is located within four (4) feet of the base of the home or walkways and consists of trees, shrubs, or flowers.
- Back yard landscaping does not require ACC approval if there is no adverse effect on adjacent properties and it consists of plant materials.
- Small plantings or vining flowers around mailbox posts do not require ACC approval, but should be routinely maintained.
- No ACC approval is necessary when converting previously landscaped areas back to grass. Front yards must be sodded with Bermuda or Zoysia grass. Side and rear yards may be sodded, seeded, or treated naturally but must not have a negative impact on adjacent property owners.

- All construction involving grading or retaining requires written approval of the ACC. Retaining walls must be designed in such a way that they will not have a negative impact on adjacent property owners.
- All work should be performed in an effort to prevent water from flowing across one lot onto another lot. All drainage should flow to the front or rear property lines or to an existing drainage easement or structure. The homeowner is responsible for maintaining proper grades at all times.

Mailboxes:

All mailboxes including post and house numbers must conform to the approved Northgate at Legacy Park design and color. Mailbox posts must be standard 4x4 wood posts painted with exterior hi-gloss black paint. High visibility house numbers are preferred by the US Postal Service and local rescue workers and must be nailed and/or screwed onto the mailbox posts only. No adhesive numbers are to be used. No additional decoration or ornamentation is allowed on the mailbox. It is the responsibility of each homeowner to maintain the appearance of the mailbox and post. In the event of damage, repairs or replacement should be made within 14 days.

Major Exterior Changes (Additions/Alterations):

Any addition or change to the exterior of the home requires written approval of the ACC and must be of similar construction, design and material of the existing home.

Miscellaneous:

- No window air conditioning units shall be permitted.
- Clotheslines are not permitted. **(Article VI, Section 6.14)**

Parking:

The purpose of this section is to help maintain the neat and attractive appearance of Northgate by requiring that larger vehicles and equipment either be hidden from view or eliminated altogether if intended to be stored on a more than temporary basis. For the purpose of this section, **temporary is defined as a period of less than 72 hours and not on a recurring basis.**

Homeowners are encouraged to park in their driveway whenever possible.

No school bus, truck or commercial vehicles over one (1) ton capacity, house trailer, mobile home, motor home, boat or boat trailer, trailers of any kind, or like equipment exceeding twenty-four (24) feet in length shall be permitted on any Lot on a permanent basis, but shall be allowed on a temporary basis. Vehicles and equipment described above, but which are less than twenty-four (24) feet in length, shall be permitted if stored within the garage with the garage door closed.

Recreational Equipment:

All permanent play and semi-permanent equipment larger than 4x4x4 requires written approval of the ACC. Play equipment should be located in the back yard or to the rear of the house. Portable play equipment should be removed when not in use.

(Article VI, Section 6.16)

Signage:

No sign of any kind may be erected on any common property without prior written consent of the Board of Directors, except such signs as may be required by legal proceeding or are addressed below. Exception to this guideline is the regularly scheduled spring and fall community wide garage sale. Other types of signs may be prohibited altogether, as determined at the sole discretion of the ACC. Notwithstanding the above:

- a. Small professional security signs, which are 64 square inches or less in size, are permitted without prior ACC written approval, so long as said alarm warning signs are maintained in good condition, as determined in the sole discretion of the ACC.
- b. Campaign signs for candidates for elected office, less than 2'x 2' may be erected on individual properties no more than 14 days prior to an election and must be removed within 48 hours after a winner is declared. A maximum of one sign is allowed per yard.
- c. Maintenance signs less than 2'x 2' may be erected on individual property only during the time that the maintenance company is working on that property. Lawn Treatment signs should be removed within 48 hours.
- d. Only one "Home for Sale" or "Home for Rent/Lease" sign plus a container with informational flyers is allowed on each individual property.
- e. No garage, yard, moving, or estate sale is permitted unless approved, in writing, by the Board of Directors. Exception to this guideline is the regularly scheduled spring and fall community wide garage sale. Violation of this rule will result in an immediate fine of \$50.

Storage Buildings:

Freestanding storage buildings or prefabricated structures of any kind require written approval of the ACC and must complement the traditional architectural theme of the home and the neighborhood.

Storage of Items:

Storage of items, such as but not limited to, bicycles, barbecue grills, tires, work tools, boxes, building supplies, etc. in the front (including on porches and stoops) or unfenced side yards of the property is not permitted.

Storm Doors:

Any addition of storm doors or screen doors on the front door of your home requires written approval of the ACC. The storm door must be selected to complement the architectural theme of the home and the neighborhood.

Swimming Pools/Hot Tubs:

Any exterior hot tubs, spas, or in-ground pools requires written approval of the ACC and must be screened in areas visible from street, sidewalk, or neighboring homes. Any exceptions must be approved by the ACC in writing. All pumps, filters, equipment, etc. must also be screened from view from neighboring lots by an approved means. No above ground pools shall be allowed. Notwithstanding the foregoing, the following may be allowed: small wading pools less than 18" in height and 8 feet in diameter that are of a temporary nature with minimum visibility from the streets. Such items must be removed during off season (October to April). **(Article VI, Section 6.16)**

Trellises:

Trellises may be permitted provided the style, size, location, and quantity agree with the character of the house and community-wide standard. The ACC reserves the right to impose restrictions.

Windows:

Any replacement of windows that are different in appearance from the home's current window type requires written approval of the ACC. Windows must be selected to complement the architectural theme of the home and the neighborhood.

4.1 SPECIAL STIPULATIONS

The specific modifications that follow are currently considered "approved" and require no application, submittal, or review by the ACC, at this time if installed and maintained according to the conditions noted. Changes made contrary to these guidelines will be deemed in violation of CCR's.

In such instance, the Property Manager may notify the property owner and request compliance. Failure to comply will result in the HOA Board taking appropriate action to bring the home or lot into compliance as authorized by the CCR's. Costs incurred by the Board, including reasonable attorney's fees, to effect such compliance shall be paid by the owner. The Northgate Homeowner's Association has the full and final authority to determine whether changes meet these guidelines.

1. Front door and entry area decorations and front porch furniture must be in keeping with the style and character of the house and meet the community-wide standard. Flowers and plants must be kept neat and healthy.

2. Satellite dishes or antennas must be placed in the least visible location having clear reception. Roof mounted exterior television antennas may not extend more than 12 feet above the roofline. Landscaping, painting or screening may be required by the ACC to minimize visual impact. **(Article VI, Section 6.13)**
3. The United States flag, Georgia State flag, as well as seasonal and decorative flags, may be displayed by a bracket attached to the home. Flags may be up to a size of 3' X 5' and on a removable pole no longer than 5 feet. Flags may not be torn, tattered, faded or controversial in nature.
4. The use of foil, paper, plastic, towels, sheets, or any temporary covering are not permitted on any window treatment visible from the street or neighboring properties.
5. Woodpiles should be located to the rear of the house and have minimal visual impact on neighboring streets and properties. **(Article VI, Section 6.14)**
6. Water hoses must be neatly stored adjacent to the water source when not in use.
7. Holiday displays must not create a nuisance for adjacent property owners. All holiday decorations including lighting displays should not attract significant or increased traffic flow. Holiday season displays may only be used from **Thanksgiving through January 8**.
8. Decorations for other holidays may only be displayed up to two weeks in advance of the occasion, or the month of the occasions whichever is longer, and must be removed no later than seven days following the holiday.