

Berkeley Walk Community Association

Design Guidelines

from the

Board of Directors

Update 9/17/2020

A Manual for Berkeley Walk Homeowners

Authority: The authority and responsibility for maintaining the quality and design of Berkeley Walk is founded in the Amended and Restated Declaration of Protective Covenants for Berkeley Walk, Article 5, Maintenance Responsibilities, Article 6, Architectural Standards, and Article 7, Use Restrictions and Rules. All homeowners in Berkeley Walk are automatically members of the Berkeley Walk Community Association as a condition of home ownership in Berkeley Walk and are thereby responsible for complying with the guidelines, standards, rules, and regulations from the Protective Covenants and Design Guidelines.

Purpose: One of the valuable aspects of living in Berkeley Walk is the presence of architectural standards and maintenance guidelines, hereafter called Design Guidelines. The development, promulgation, and enforcement of design standards is intended to achieve the following objectives:

- Maintain consistency in the overall design concept for the community,
- Promote harmonious architectural and environmental design qualities and features, and
- Promote and enhance the visual and aesthetic appearance of the community.

All homeowners are subject to the provisions of the Design Guidelines which have been developed for the benefit of the entire community. All homeowners are encouraged to familiarize themselves with this document and retain it for future use.

Intent: The Board of Directors (BoD), through this document, intends to maintain the entire development in harmony with the original home builder's design plan, while still allowing opportunity for individual expression and general community improvement. Enforcement of these guidelines will help to assure homeowners that the standards of design quality will be maintained consistently throughout the community. Compliance with these guidelines will also protect and enhance property values. By respecting the rights of others and taking personal responsibility for your own property, Berkeley Walk will remain one of the finest communities in which to live in Gwinnett County. If you have further questions after referring to this document, contact any of the BWCA Board of Directors.

Compliance: These Design Guidelines are an accepted part of the Protective Covenants. The Board of Directors has the right (Article 6, Architectural Standards) to enforce compliance with these guidelines and standards.

Base Document: The base document was approved by majority vote at a regularly scheduled meeting of the Board of Directors on July 25, 2016. It incorporates information that other HOAs might call Architectural Guidelines, Homeowner Guide, Design Standards, Architectural Design Guidelines, and Rules & Regulations information that helps new or continuing homeowners in Berkeley Walk thrive in our community.

Changes and Additions: Changes and additions to the base document are denoted by *italics* and a date of change. Changes and additions are initiated by members of the Berkeley Walk Community Association (BWCA) or the Board of Directors (BoD) and must subsequently pass a majority vote of the Board of Directors. Changes and additions are recorded in the Board of Directors minutes, posted on the BWCA website or Management portal.

Definitions The Board of Directors shall follow, but not be limited to, the following criteria in its decision-making process:

Architectural Integrity – Proposed alterations or additions must be architecturally sound and appropriate to the surroundings, and compatible with the architectural characteristics of the property, the surrounding properties, and the neighborhood setting. Quality of workmanship, architectural style, materials, colors, and construction details must be consistent and in harmony with the existing structure and neighboring structures.

Color – The color of the proposed alterations or additions to existing structures must have roofs, trim, siding, windows, and window treatments that match or are complementary with the color of the primary structure. Changes to the color of doors, shutters, trim, siding, and roofing must have prior written approval from the Board of Directors.

Scale – The size of improvements, alterations, or additions must be consistent in scale to the existing structures, neighboring structures, or surroundings.

Site Plan – A scaled drawing of the lot that shows the exact dimensions of the property, adjacent properties, if applicable, and all improvements, including those covered in the application must be submitted. Contour lines are required where drainage is a consideration. More complex projects may require city or county approval.

Workmanship – The quality of workmanship of alterations and additions must be equal or better than that of the primary structure and neighboring properties. Construction specifications (square corners, plumb lines, uniform application of paint or stains, etc.) must be within standard tolerances.

Yards – The following definitions provide additional clarification on yard terminology.

Side Yard – A side yard is that area between the side property line of the lot and the house, extending from the front corners to the rear corners of the house and excluding the front yard and rear yard.

Rear Yard – The rear yard of the homeowner's property is that area located behind a line drawn from the rear corners of the house out to the side property lines,

then back to the rear property line. The side yard is not included.

Behind the House – The area in the rear yard that lies between two parallel lines drawn along the side framework of the house that extend to the rear property line. The side yard is not included.

Front Yard – Any area of the homeowner's property that is located in front of a line drawn from the front corners of the house to the side property lines and forward to the front property line. The side yard is not included.

Request for Modification Review Except where otherwise noted, all changes, permanent or temporary, to the exterior appearance of a home or lot, including front, side, and back yards, are subject to review and approval. If there is any doubt as to whether or not a proposed exterior change is exempt from design review and approval, seek clarification by communicating with the Board of Directors. Prior to commencement of any exterior alterations (landscaping, structural, or cosmetic) to a home or property, as detailed in Article 6 of the Protective Covenants, homeowners must submit a Request for Modification Review to the Board of Directors. The form can be found at the BWCA website (www.berkeley-walk.com/forms). The form, completed in detail and in conjunction with the specifics requested in these Design Guidelines, delineates the information that must be provided to the BoD so that your proposal can be reviewed. Homeowners will be notified by email should their submitted form and attached documents be incomplete, and this will in all likelihood delay the approval process. An individual request form is required for each separate project.

The BoD will act only on complete applications within thirty days of receipt or at the time of the next BoD meeting which are generally held monthly (select the Community Calendar tab at www.berkeley-walk.com). If the homeowner has not received a written approval or rejection from the BoD within thirty days of submission, it is incumbent upon the homeowner to contact the BoD for a status report on the application. Notification of an incomplete application will be provided to the homeowner no later than one week after the first BoD meeting after submittal.

Any exterior alterations made without prior approval of the Board of Directors shall be considered in violation of these rules and will be subject to enforcement action by the association. The Board of Directors or any member of the BWCA can recommend this action. Members of the BWCA are advised to take such action utilizing either the Community Concern Report Form which can be found at www.berkeley-walk.com/forms or emailing any of the Board of Directors.

Since alterations may affect neighboring properties, homeowners are to discuss their plans with their neighbors prior to filing a form seeking BoD approval. All applications require the

signature of both adjoining homeowners plus one additional property owner (typically someone across the street) who may be affected by the proposed alteration. The signatures of your neighbors do not reflect their approval of the proposed project, but serve as an indication of their awareness of your impending modification. After a neighbor signs an application for a proposed project, they may, if so desired, make the Board of Directors aware of their concerns, in writing. Any such concerns should be received by the BoD at least three days prior to the next Board of Directors meeting.

Building Permits The City of Berkeley Lake has permit capability and is available to residents seeking to remodel or renovate their property. Berkeley Lake's building inspector works out of the Berkeley Lake City Hall and issues permits for both the city and the county. He may be reached at inspector@berkeley-lake.com. This relieves Berkeley Lake homeowners of having to go to Lawrenceville to acquire most building permits. Contact City Hall at 770-368-9484 or go to www.berkeley-lake.com for more information on permits.

Criteria The following criteria provide the basis for the decisions made by the BoD in reviewing applications for exterior property improvements and evaluating homeowner lots for compliance. The topics discussed in this Guideline address common improvements and are not intended to be all-inclusive. The BoD shall review and evaluate all requests for alterations and improvements based on the individual merits of the proposal submitted. Decisions shall be determined by a majority vote of the Board of Directors.

Decision Appeals An appeals procedure exists for those affected by an unfavorable Request for Modification Review decision. The appeal is to the Board of Directors. To initiate the appeals procedure, the applicant or other affected homeowner must submit a written request to the BoD within ten days of the applicant receiving the BoD decision. The BoD then has 20 days to review the appeal.

Appeals will be heard if the applicant or those affected can demonstrate that the BoD failed to meet any of the following criteria:

- 1) to follow proper procedures during the administrative and review process,
- 2) to provide a fair hearing to the applicant and any other affected homeowners, or
- 3) to render a decision that was rational and not arbitrary.

Enforcement Procedures for Violations The Covenants (Article 6, Architectural Standards) require the Board of Directors of the BWCA (and their designees, if any) to ensure compliance of all properties with the Covenants and the Design Guidelines.

Any alteration or improvement by a homeowner is presumptively in violation of the covenants and these guidelines unless a complete written application (Request for Modification Review) has been filed and approved, in writing, by the Board of Directors unless otherwise noted in these guidelines.

Additionally, the Board of Directors or their designee shall regularly inspect the community to ensure compliance with the covenants and these guidelines.

In the event that a covenant or design guideline violation is discovered or reported to the BoD, the BoD shall advise the homeowner, in writing, that approval is required for any alterations of a lot within the community and indicate to the homeowner the specific covenant or design guideline violation involved, and request compliance within a stated timeframe.

If the homeowner fails to remove the violation or submit an application to the BoD within thirty days after the BoD has sent the homeowner a written request to do so, the BoD will take appropriate enforcement actions which may include but not be limited to:

- 1) limiting the homeowner's use of the BWCA community facilities (club house, pool, tennis courts),
- 2) assessing a daily fine,
- 3) entering the lot, after reasonable notification to the homeowner, to correct the violation and to impose a lien against the lot for the full cost incurred by the Association in correcting the violation, or
- 4) taking legal action seeking removal of the violation and payment of the association's legal counsel fees.

The same procedure shall apply when a homeowner has completed an alteration to his/her lot in disregard of the written disapproval of the Board of Directors.

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Topics (alphabetical)

* completion of a Request for Modification Review is required

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Air Conditioners* Additional exterior air conditioning (condenser unit) or the relocation of existing units will be considered so long as they are placed near existing units and do not have adverse audible or visible impact on adjoining lots or open spaces. Concealing air conditioning units with fencing or shrubbery should be considered. No window units are permitted. The city of Berkeley Lake requires an HVAC permit and inspection for any heating and air installation, alteration, or renovation, including furnace replacement and air condenser unit replacement.

Antennas* The Federal Communications Commission's Telecommunications Act of 1996 ruled that community associations could enforce restrictions on direct-to-home satellite dishes less than one meter in diameter, TV antennas, and wireless cable antennas unless those restrictions:

- 1) unreasonably delay or prevent installation, maintenance, or use,
- 2) unreasonably increase the cost of installation, maintenance, or use, or
- 3) preclude reception of an acceptable quality signal.

Restrictions that do not impair the installation, maintenance, or use of the types of antennas described above are enforceable. Several other types of antennas, including those for AM/FM radio, amateur ("ham") radio, and CB radio, are not covered by the 1996 ruling.

BWCA requires the submittal of a Request for Modification Review when the installation of a satellite dish or other antenna is being contemplated. Because the association may not prevent or

delay installation, you need not have approval to install the antenna or dish, but we encourage you to use care in the selection and placement of dishes and antennas to preserve the appearance guidelines and character of Berkeley Walk.

In compliance with the Telecommunications Act of 1996 and to the extent feasible, antennas and dishes should not be visible from the street. The following priorities are to be observed in determining antenna locations:

- 1) Mounted directly on the rear of the house, on a roof plane facing the rear of the property, or on the back side of a chimney,
- 2) Mounted on a pole or existing other structure in the rear yard,
- 3) Mounted on a pole in the side yard, or
- 4) Mounted on a pole in the front yard.

The visibility of an antenna (primarily when mounted in the side or front yard) should be minimized using one or both of the following methods:

- 1) Screen the antenna from view from the street with natural plantings of shrubs and trees to the extent that they do not compromise the signal reception, and
- 2) Use an antenna of a dark or muted color (or paint the antenna a muted color) to blend with the background or with the surrounding landscape.

Arbors/Swings* Arbors and swings are generally permitted only in the rear yard and must be located where they will have minimum impact on adjacent properties and streets. Homeowners are encouraged to include a landscaping plan demonstrating the intent to minimize neighboring view of their structure.

Attic Ventilators Attic ventilators and turbines are permitted without application. They should match the color on the house if mounted on a gable end or may be painted to match the roof if placed on a roof. The roof location must be on the least visible side of the roof peak.

Awnings, Canopies, Trellises, and Other Sun Control Devices* Approval is required for permanent awnings, canopies, trellises, and other sun control devices whether they be fixed or mechanically operated. Devices of this nature should:

- 1) be consistent with the design and visual scale of the house to which they are attached,
- 2) be located so that they do not adversely affect views, light, winter sun, or natural ventilation of adjacent properties,
- 3) be compatible with the architectural character of the house in terms of style and materials,
- 4) be of one solid color which matches the trim (or a pattern which complements the trim or dominant house color), deck (if part of a deck), or dominant color of the house, and
- 5) not consist of reflective materials or metallic/tin foils

Temporary canopies, screen houses/tents, or canvas structures are allowed, without permit, but may not remain in place for more than a fourteen day period. Permanent screen houses/rooms will not be permitted.

The color of any framework used for canvas awnings must match the trim or dominant color of the house. If awnings or any component of the structure are removed for winter storage, frames or support structures must also be removed and stored.

Applications for this type of device must include the following information:

- 1) a site plan showing the location,
- 2) a drawing and/or photograph(s) showing the house and adjacent houses,
- 3) a drawing, photograph, or manufacturer's product information of the device and materials including dimensions, construction details showing how the device is attached to the house, materials, and color

Baseball Backstop Baseball backstops or similar items require the submittal of a Request for Modification Review

Basketball Goals* Approval will be issued if all of the following requirements are met:

- 1) goal (backboard) will be perpendicular to the street at all times,
- 2) backboard will be clear, white, beige, or light grey,
- 3) post will be painted black, and
- 4) neighbors who may be impacted by play are aware of the Request for Modification Review and have not voiced an objection to the Board of Directors.
- 5) homeowner may not paint permanent basketball court guidelines on a driveway

BBQ See "Grills/BBQ."

Beekeeping Beekeeping, whether as a recreational activity or commercial occupation, is prohibited within the community.

Buildings, Detached See "Sheds."

Burning, Outdoor The city of Berkeley Lake in ordinance Sec. 30-3(a) prohibits the open and outdoor burning of leaves, limbs, debris, garbage, and other yard waste materials within the municipal limits of the city, except by permit.

Carpeting, Exterior Indoor/outdoor carpeting or synthetic grass on any exterior surface (front porch, patios, decks, stairs) is prohibited and will not be approved.

Clotheslines No clothing, laundry, or wash shall be aired or dried on any portion of the lots in any area other than behind the house as defined earlier. Permanent clotheslines are not permitted on any lots. All temporary clotheslines must be dismantled, taken down, and stored out of sight when not in use.

Clubhouse: Parking Lot The parking lot at the Clubhouse is common property with its primary purpose being to service the BWCA amenities: clubhouse, pool, and tennis courts. This parking area is therefore for temporary parking for BWCA homeowners and their guests while using an amenity. A secondary purpose of the parking lot is for temporary overflow parking by non-resident guests of BWCA homeowners when parking at a homeowner's home

could potentially impede emergency vehicles or the ingress and egress of neighbors to their homes. Temporary in this situation is defined as less than 8 hours in a 24-hour period. A third purpose of the parking lot would be for “special condition” parking. In this situation a homeowner must submit a written request (email preferred) to the BWCA Board of Directors identifying the special condition that necessitates parking at the clubhouse parking lot other than for use of the amenities. Any vehicle parked in this lot longer than 8 hours in a 24-hour period, without BWCA Board of Directors approval, will be considered abandoned and will be subject to towing at the vehicle owners expense.

Common Areas/Common Grounds It is the responsibility of the homeowner to repair any damage that they, their friends or guests, or any contractor or agent of the homeowner, cause to the common grounds. Repairs to common grounds must be to the original condition and be completed within fifteen days of the damage occurrence. Failure to satisfactorily repair common grounds will be considered a violation of these guidelines.

The dumping of debris, lawn clippings, animal wastes, or soil on common areas or open lawn areas is prohibited. This includes wooded areas and retention ponds in the community.

Compost Piles/Tumblers Compost bins are not allowed on any portion of the lots except behind the house as defined earlier.

Decorative Objects See “Exterior Decorative Objects.”

Decks* Submittal of a Request for Modification Review is required and the form must include:

- 1) a site plan denoting location; in most cases, the deck may not extend past the sides of the home;
- 2) the dimensions and elevations,
- 3) the materials; structural materials must be cedar, cypress, or No. 2 or better pressure treated pine; deck surface materials can be either the same approved wood or a composite material like Trex© or Veranda©.
- 4) the color which is to be natural, stained, or painted to match the exterior color of the home.

Vertical supports for wood decks must be a minimum of 6x6” wood posts or painted metal poles. In addition and without limitation, the Board of Directors will take into consideration conformity with design of the house, relationship to neighboring dwellings, and proposed use. Owners are advised that a building permit may be required by the city.

Dog Houses* Dog houses must be located where they will have minimal visual impact on adjacent properties. A maximum of one dog house per lot will be approved.

Doors, Front* Replacement of front doors must be in the same style of the original door and require BoD approval. Double doors will be considered. Door hardware (including handle, hinges, locks, kick plate, peepholes, and door knocker) must be brass, bronze, or a similar metal

as originally provided by the builder of the homes. Hardware and door must be maintained in good condition.

Doors, Screen* Screen doors must be approved and are to be full view with no support or dividing bar and without decoration or edging. Screen doors should match the color of the trim around the entrance door.

Doors, Storm* Storm doors must be approved and are to be full view with no support or dividing bar and without edging or decoration. Storm doors should match the color of the trim around the entrance door.

Driveway Alterations* A permit from the city of Berkeley Lake is required before building or making any alterations to a driveway in the right-of-way (11 feet from the edge of the gutter). Approval by the BWCA Board of Directors is required before adding to or modifying any driveway.

Drones/Unmanned Aerial Vehicles (UAVs) While this relatively new technology is not yet mature and federal and local government rules and regulations are still being drafted, in general these devices shall not be flown from, land in, flown through, or controlled within the BWCA common areas. There are safety concerns as well as liability issues that need to be addressed as this technology matures. Any BWCA homeowner contemplating the use of these devices should first check with the Board of Directors for current BWCA policy while complying with all federal and city rules and regulations.

Exterior Decorative Objects** Approval will be required for almost all exterior decorative objects both natural and man-made including, but not limited to, such items as sculptures, fountains, ponds, free-standing poles of any type, bird baths, bird feeders, planters, flower pots, and vine climbers. No items of any kind, with the exception of a flag standard, may be permanently attached to the home without approval. Holiday decorations may be temporarily attached to a home but must be removed at the end of the holiday period.

Front door and entry area decorations must be tasteful and in keeping with the style and colors of the house. Evergreen plants and flowers in pots must always be neat and healthy. Flower pots meeting the previously mentioned criteria do not require form submittal or approval.

Feeding of Wildlife Providing food for wildlife is not permitted with the exception of backyard (behind the house) bird feeders and suet feeders. The city of Berkeley Lake prohibits the intentional feeding of wildlife other than fish and songbirds. Animals that must not be fed includes, but is not limited to, stray dogs, feral cats, squirrels, rabbits, chipmunks, deer, foxes, coyotes, other rodents, and wildlife.

Fencing* Fences are not encouraged within Berkeley Walk as hedges, bushes, and other landscaping alternatives are preferred. Fences require the submittal of a detailed plan on a Request for Modification Review. The submittal must include a complete description of the fence, the materials to be used, and a site plan showing the fence location in relationship to

property lines. Homeowners are also encouraged to include a landscaping plan that is focused on hiding as much of the fence from neighbors as is possible.

All proposed fences must follow the fence standards as defined below:

- 1) wood fences (privacy and picket) are to have convex scalloped tops
- 2) sections are to be 8' to 10' in length
- 3) the maximum height is to be 6'
- 4) if there is a more attractive side, it must face the neighbors
- 5) wood fences may not be painted, but natural stains (not solid pigment) and natural sealers are encouraged
- 6) homeowners should understand that they will be expected to maintain all fencing in good repair
- 7) chain link fences are prohibited

Fencing on corner lots may have further requirements beyond what is stated above.

Firearms The city of Berkeley Lake ordinance Sec. 46-2 prohibits the shooting of any gun, pistol, rifle, revolver, cannon, firearm of any type, slingshot, bow and arrow, crossbow, or blow gun within 300 yards of any street. It is also unlawful to discharge at any time any air gun, paint ball gun, air pistol, air rifle, BB gun, or toy gun which projects any pellet, dart, hard-tipped arrow, bean, pea, BB, rock, gel cap, paint ball, or other hard substance a distance of more than 25 feet with sufficient force to break, crack, or tag windows or otherwise damage property or inflict injury on persons or animals. This ruling shall not be construed to prohibit any citizen from discharging a firearm when lawfully defending person or property or destroying a dangerous animal.

Fireplaces* Fireplaces, fire pits, and chimeneas are subject to BoD approval and will be evaluated on a case by case basis.

Firewood Firewood piles are to be maintained in good order and must generally be located within the rear yard or behind the home. Woodpile coverings are allowed only if the cover is of an earth tone and the wood pile is screen from street view.

For Sale, Vehicle The posting of "For Sale" signs on vehicles that will be or are parked within Berkeley Walk is prohibited.

Flag Poles** No freestanding flag poles are permitted. Homeowners desiring temporary (removable) flag pole staffs which do not exceed six feet in length and are attached at an inclined to the house need not submit an application.

Garage and Garage Doors** Garage doors should be left in a fully closed position when not in use. Using a garage as a pet confinement area (door partially open with or without screening) will not be permitted. Replacement garage doors need to be substantially equivalent to the original doors or review and approval will be required. Conversion of garage spaces that reduces the original effective parking area is not permitted.

Garage Doors, Maintenance Determining when a garage door panel needs to be repaired or replaced is subjective however each homeowner is responsible for maintaining their garage doors in good condition and aesthetically presentable: absence of excessive dents and scratches, fully operational, color not faded and paint not peeling.

Garage Doors, Window Panels Garage door panels with windows must have glass and inserts that match or are compatible with all others. If the glass or plastic insert in one window is broken, then the homeowner needs to have it repaired to match the remaining windows. If repair of this nature is not possible, the homeowner should replace the entire panel.

Gardens All garden plots must be located in the rear yard and not be visible from the street.

Grills/BBQ* Permanent grills or barbecue areas will be considered on a case by case basis. Design, scale, and materials of a permanent grill area must complement the home considering materials, colors, and lot location. The homeowner must take into consideration that other homeowners may be subjected to the smoke and odors from their grilling areas.

Gutters & Downspouts The color of gutters and downspouts must match or complement the existing trim color or area of the home to which they are attached. Extensions of downspouts at ground level and on the ground are discouraged (approval would be required) because of drainage considerations on adjoining properties and open spaces. Typically all downspout extensions are buried in such a manner as to adequately manage runoff.

Holiday Decorations Holidays are an important part of the American lifestyle and holiday decorations are an excellent way to display your enthusiasm for a particular holiday. Outdoor holiday decorations are allowed and encouraged but you are equally encouraged to do so in a tasteful manner. Yard displays during holiday periods are only allowed in strict conformity to the guidelines established by the Board of Directors:

- 1) Christmas decorations may be displayed from Thanksgiving through January 10. Decorations for other holidays may be displayed no earlier than two weeks before the holiday and no later than two weeks after the holiday.
- 2) Yard displays are limited to a reasonable height and width.
- 3) Displays must not be in the 11-foot right-of-way.
- 4) Displays that emit music, sound, or noise must not disturb the neighbors.

Hoses Water hoses and temporary (moveable) hose storage devices (containers, pots, boxes, devices on wheels) must not be visible from the street when not in use.

Hot Tubs* Hot tub locations must include total privacy (fence or barrier) from neighboring homes during all seasons of the year. This fence or barrier must meet the design expectations related to color, style, and structure as it relates to the existing home or adjacent homes. See "Pools/Hot Tubs."

House Numbers House numbers are not allowed except on the uniform mailboxes throughout the community.

Insect Traps, Electronic Electronic insect traps (bug zappers) shall not be installed and maintained in such a way as to cause discomfort to adjacent neighbors from the noise or light intrusion. Devices of this type should only be operated when the deck or patio they are to be protecting is in use.

Landscaping** A Request for Modification Review is not required for simple plantings of a small number of plants or replacement of plants within an existing mulched area (see “Plants/Trees” below for assistance in selecting plants). When the project entails more significant changes, however, approval must be requested. Examples of projects requiring approval (not all inclusive) include:

- 1) addition of a tree or trees,
- 2) addition or relocation of a retaining wall,
- 3) expansion or addition of lawn,
- 4) expansion or addition of shrubbery,
- 5) addition of edging on lawns or mulched areas,
- 6) addition or expansion of a mulched area.

Approval requests should include descriptions of the materials and plants to be used as well as a site plan showing the relationship of plantings and other modifications to the home and adjacent dwellings. Consideration should always be given to the following:

Location Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines for vehicular traffic. Additionally the view of neighboring lots and shade patterns of mature trees should always be considered. Due to visibility, front yard landscaping and landscaped corner lots are more strictly reviewed than interior back yard areas.

Scale Care must be exercised in selecting plant materials which, upon maturity, will be an appropriate size in height and breadth for the intended location, especially when planting close to houses, walkways, or property lines. The Board of Directors will give consideration to the effect that plantings will have on views from neighboring homes.

Plants/Trees Plants and trees should be selected from those that are expected to thrive in our planting zone 7b (USDA Plant Hardiness Zone). Plants that will not be approved are palms, cacti, yucca, agave, aloe, succulents, and similar plants that are inconsistent with the vegetation of north Georgia, this subdivision, and are more commonly found in planting zones 9 and 10 (Florida, south Texas, southern and coastal California, etc.).

Leash Law Gwinnett County requires that no dog is allowed off the owner’s property without a leash which is under the control of the owner. Stray or dangerous animals can be reported to Animal Control at 770-513-5700, 24 hours a day, 7 days a week.

Lighting, Exterior** Exterior lighting (flood lighting motion sensors, walkway lighting, entrance lighting, etc.) shall not be directed outside the applicant’s property. Light fixtures which are proposed in place of the original fixtures should be compatible in style and scale with the applicant’s house. Applications for approval of exterior lighting should include wattage, height of the fixture(s) above the ground, lighting pattern, color of light, and a complete

description including descriptive material of the light fixture and precise location on the property. Light should not shine outside the homeowner's property line and not present a disturbance to any neighbors. Approval is not required for walkway lights meeting the following criteria:

- 1) lighting does not exceed 12" in height,
- 2) all lights are white or clear, non-glare type, and do not exceed 100 watts in totality, and
- 3) will be located to cause minimal impact on adjacent properties.

Maintenance Standards, Lot and Home Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, removal of trash and dead plant material, structural maintenance and painting, lawn watering, and the covering of bare earth. Lawns should be watered during extended dry periods and applied only as fast as the soil can absorb it to avoid run-off. Each homeowner is responsible for picking up litter on his property and preventing wind-blown debris from originating on his land. This includes newspapers and advertisements that are left in or near driveways whether they were requested by the homeowner or not.

The following list represents some conditions that will be considered violations of the maintenance standards:

- 1) Peeling paint and rotten wood (dry rot) on exterior trim,
- 2) Gutters in need of painting or replacement,
- 3) Fences that are leaning or with either broken or missing parts,
- 4) Decks in need of repair or staining/painting,
- 5) Concrete or masonry improvements in need of repair,
- 6) Windows or window frames which are broken or in need of repair,
- 7) Window screens which are in need of replacement or removal.
- 8) Inconsistent display of muntins.

The inclusion of muntins (often called grilles, grids, or fake muntins that are either sandwiched between double glass panes or installed over the inner surface of the glass to give the window a look of having individual glass panes) on windows must be consistent across the entire front and side(s) of your home that face the street or streets. Acceptable patterns include muntins in on every window, muntins uniformly in on the top half or bottom half of every window, or no muntins on any windows. Muntins must be white or match the exterior color of the window to which they are installed/applied.

Bare Earth Barren spots of land, primarily in the front and side yards, should be quickly reseeded, sodded, mulched, or landscaped. Bare earth beneath trees casting substantial shade should be mulched.

Exterior Appearance Homeowners are responsible for maintaining the exterior of their dwelling as well as other structures on their lots, such as decks, patios, and fences. The following list includes a few examples of conditions which the Board of Directors would consider to be a violation of the homeowner's responsibilities:

- 1) peeling paint or rotten wood on exterior trim,
- 2) gutters and downspouts in need of painting or repair/replacement,
- 3) fences which are leaning or with either broken or missing parts or boards,
- 4) decks in need of repair or restaining/repainting,
- 5) concrete or masonry improvements in need of repair,
- 6) windows, window frames, or screens broken, torn, or in need of repair, and
- 7) stains or discoloration from soil, mold, or mildew.

Lawn Appearance Lawns must be watered during extended dry periods unless watering is prohibited by local ordinance. Lawns will be mowed, edged, and maintained regularly to ensure a healthy green appearance. Grass should be kept free of weeds as much as possible. Grass will not be allowed to grow over the concrete gutters, driveways, or sidewalks, or into or beneath shrubbery, and will be maintained to a height of four inches or less.

Landscape Edging/Borders** All edging/borders around curbs, sidewalks, and planting beds shall be installed and maintained in a professional manner, and shall be consistent with the character of the neighborhood. The preferred lawn or landscape bed edging is either a neat trench, living plant life, or a commercial product that when installed is essentially flush with the surface of the bed/lawn. Borders/edging other than the preferred must be submitted for approval. Scalloped cement blocks, bricks on end or angled, wood products, and edging similar to these will not be approved.

Landscaping Walls* Landscaping walls require approval and may be constructed of stacked stone, brick, railroad ties, or pressure treated 6x6 timbers. The city of Berkeley Lake requires that any wall exceeding four feet in height be engineered and approved.

Mulch All mulched landscape beds must be covered with natural materials in natural colors: pine straw, chopped bark mulch, or wood shavings. Rubber mulch is not permitted. Mulch should be replenished as needed.

Shrubs Dead shrubs and plants should be removed and replaced as quickly as possible. Islands and bedding areas should be mulched, remain edged, be kept free of weeds, and be maintained regularly.

Trees** Trees generally cannot be removed from any portion of your lot without approval from the city unless they are diseased, dying, dead, or dangerous. The city of Berkeley Lake has standards and regulations (Berkeley Lake Code of Ordinances, Sec. 42-266 through Sec. 42-271) and in some situations a fee must be paid and a permit issued. BWCA requires written approval for the removal of trees with a diameter greater than 3" as measured at breast height (DBH, 4½' above the ground). The removal of live branches greater than 8 feet above the ground also requires written approval and acknowledgement by your neighbors. See also "Tree Removal."

Motorized Scooters, Go-Karts Motorized children's toys are not permitted in Berkeley Walk except on private driveways, sidewalks, or lawns. Motorized children's toys must not be operated on streets or common areas. Motorized adult personal transportation vehicles (Segway) are to be operated on streets according to bicycle safety rules.

Painting** Approval is not required to simply repaint a home or a portion of a home with the current color scheme. If the painting project involves a color change, approval must be requested by submitting the following information:

- 1) an example (color sample) and brand/name of the new paint color(s) to be used, and
- 2) components (siding, front door, shutters, trim, eaves, window frames) of the home to be painted.

In most cases adjacent homes cannot be painted the same or similar colors.

Parking, Driveway No boat, trailer, camper, RV, or other similar type vehicle may be parked or stored in open view on any residential property for longer than a 24-hour period. All cars parked in open view must also be operable and may not be unsightly. No vehicle may be parked anywhere except designated parking areas.

Parking/Vehicles See "Street Parking."

Patio* Approval for the installation of a patio is not required if the patio:

- 1) does not extend beyond the sidelines of the house,
- 2) does not extend to within 10 feet of the side property lines, and
- 3) does not extend 6 inches above ground at any point.

Approval must be requested for patio covers, trellises, permanent seating, and railings associated with patios.

Pathways See "Walkways."

Pets All homeowners are expected to ensure that their pets do not become a nuisance or a danger to neighbors. See "Leash Law." The Board of Directors or any aggrieved homeowner may resort to the use of governmental authorities to deal with such animals. Excessive barking by dogs is considered a nuisance. The city of Berkeley Lake, as of September 17, 2015, requests that complaints of dog barking be made to the Animal Welfare and Enforcement Division of the County Police Department at 770-339-3200. Stray or dangerous animals can be reported to Animal Control at 770-513-5700, 24 hours a day, 7 days a week.

Pet Waste All solid pet waste deposited on your property should be removed in a timely fashion. All solid pet waste deposited on a neighbor's property, in a common area, or on city of Berkeley Lake property (roads, gutters, right-of-way) is to be immediately removed and discarded appropriately. Solid pet waste must not be discarded in what might appear to be an undeveloped portion of a common area or neighbor's private property. Cats must not be allowed to utilize the private property of your neighbors (planters, flower beds, areas of mulch) to relieve themselves.

Offenders (pet owners who do not immediately remove their pet's feces when deposited on your property, a common area, or city of Berkeley Lake property) may be reported to the City of

Berkeley Lake Ordinance Enforcement Officer at 770-368-9484, extension 103. You must be willing to submit sworn testimony that you've observed a pet known to you and belonging to a homeowner known to you leave feces on property that does not belong to them. The city can then enforce ordinance Sec. 46-9 and issue a citation with a minimum fine of \$200 to the guilty pet owner.

Additionally, dog and cat urine can cause brown spots (dead grass) on lawns. Consider the rights of your neighbor and only allow pets to urinate on pine straw, mulch, or inanimate items, not on grass, shrubs, or tree trunks.

Play Houses* Approval must be obtained for all play houses and tree houses. They must be located where they will have a minimal visual impact on adjacent properties. In most cases they must be constructed of materials similar to or complementary to the home and they may not be larger than 100 square feet.

Plumbing The city of Berkeley Lake requires a plumbing permit and inspection for any plumbing installation, alteration, or renovation, including water service line replacement and water heater replacement.

Pools/Hot Tubs* Pool design, and required fencing, is subject to review by the Board of Directors. A Request for Modification Review must be submitted and the following criteria or limitations addressed:

- 1) Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the home. Some terracing may be acceptable.
- 2) Preferred privacy and safety fencing with a maximum height of 6 feet.
- 3) The maximum pool area is 1000 square feet.
- 4) Lights which can be seen from neighboring lots may not be obtrusive or glaring.
- 5) Landscaping enhancement of the pool area and screening with landscaping is required.

Above ground pools are prohibited. Approval is also required for exterior hot tubs which must be screened from adjacent properties and streets. Approval is not required for children's portable wading pools (those that can be emptied at night) that do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet.

Recreation and Play Equipment* All play equipment, whether permanent or temporary, is to be kept in either behind the house (as previously described) or in the garage or home when not in use. The installation of permanent play equipment such as swing sets, climbing ropes, jungle gyms, slides, etc., will require the submittal of a Request for Modification Review unless the following criteria are met:

- 1) Equipment is located behind the house.
- 2) Equipment is within a screened or fenced area of the rear yard.
- 3) Equipment will have a minimum visual impact on adjacent properties.

Play equipment that is meant to stay outdoors is permitted behind the home as long as the item is well maintained: no broken, non-usable, or rusted equipment is permitted to remain erected. Metal play equipment (exclusive of wearing surfaces like slide poles or climbing rungs) will

generally be required to be painted earth tone colors like dark green or brown to blend into the surrounding environment. Play equipment that is not designed specifically to stay outdoors should be stored out of sight of surrounding neighbors when not in use. The back yard should not be used as a storage place for children's toys. The use of evergreen shrubs to hide or help with visual screening may be necessary.

Rocks/Rock Gardens** Rocks and rock gardens require an application when the rock or collection of rocks exceeds twenty-four inches in any direction. All rocks must remain in their natural color. Landscaping rocks should be displayed in conjunction with greenery and should not be the focal point of a landscaped bed or yard.

Satellite Dishes* See "Antennas."

Security Bars The installation of security bars on the exterior of any window of the home is prohibited. Security bars may be installed on the interior of windows but they must not be visible from the street and adjoining homes.

Security Cameras** The mounting of outside security cameras require approval. Any outside mounted camera, cabling, hardware, etc., should be of a low profile design that does not distract from the beauty of the community. Cameras mounted inside a residence, shooting out through a window or door, do not require approval.

Sheds* Sheds of any kind (storage, potting, greenhouse) require approval and would only be approved if located behind the home where they have minimal exposure to neighbors (whether those neighbors are located on the sides of your property or behind your property). Sheds must blend in with the environment and/or complement the style of the home and surrounding homes. Detached buildings may not be used for any purpose that may be deemed by the Board of Directors to potentially cause disorderly, unsightly, or unkempt conditions.

Skylights* Approval is required for the installation of skylights. Skylights must not be visible from the street.

Sidewalks See "Walkways."

Signs The BWCA Protective Covenants allow a very limited number of sign types to be placed in your front yard in an effort to maintain the attractiveness of our subdivision. Those signs specifically allowed are:

- a single "For Sale" sign not to exceed 2'x2'
- signs as may be required by legal proceedings
- a single professional security sign consistent with the community-wide standard

The Board of Directors has the right to adopt reasonable rules and regulations governing the display of signs in the community and currently allows other types of signs (to include banners or flags) with specific restrictions or limitations:

-- political signs are limited to 1 sign per yard, may only be officially approved campaign signs and no larger than 2' x 2'. They may be in place for no more than 2 months before an election, and taken down within 1 week following the election.

-- signs honoring your child's progress in school; may be in place for no more than 1 month.

-- signs honoring your child's activity at school; may be in place for no more than 1 month or the duration of a sports season.

-- signs demonstrating your allegiance to a sports team; may be in place 2 days before and game day only.

-- garage or yard sale signs; may be in place no more than 3 days before the sale begins and are to be taken down promptly at the close of the sale.

-- other celebratory signs (birth, birthday, anniversary, etc.); may be in place for a maximum of two weeks.

A homeowner may not place a sign in a common area (at the entrance to the subdivision, at the entrance to the club house parking area, or at an intersection not in front of the homeowner's home, as examples) without approval of the Board of Directors. Homeowners may not attach signs or stickers, temporarily or permanently, to their mailbox or newspaper box.

The City of Berkeley Lake has two other city-wide signage restrictions. All signs erected by homeowners or an HOA must be outside the 11 foot right-of-way (11 feet outside the concrete gutter). Signs erected in the right-of-way are at risk of being tagged or removed by the City Marshall. Additionally no signs, posters, or stickers may be attached to utility poles or traffic signs.

You are always welcome to fly the United States flag from a single flag pole supported by a bracket attached to your home.

Smoking Smoking is not permitted on the common property of Berkeley Walk. This includes the pool area, the clubhouse, the restrooms, or the tennis courts and their stands.

Solar Panels* Approval is required for the installation of solar panels. Solar panels must not be visible from the street.

Solicitation Soliciting (door-to-door for commercial transactions for profit) in the city of Berkeley Lake requires a permit which can be requested by application at City Hall. Solicitors must be willing to present this permit upon your request should they knock on your door. If they do not have a permit, please instruct them that one is necessary and they should cease their operations until one is obtained. If you do not wish to be this confrontational, call City Hall at 770-368-9484 and ask for the City Marshall. If the City Marshall cannot be reached, you may call the non-emergency police line at 770-513-5700.

Sporting Equipment The use of sporting equipment including, but not limited to, bicycles, skate boards, balls and bats, and baseball throw-back devices, is to be temporary in front and side yards. Equipment should be stored out of sight when not in use. See also "Recreation and Play Equipment."

Stepping Stones* Stepping stones are discouraged in favor of bricked or paved sidewalks.

Storage Decks, porches, and patios must not be used for storage of any kind. Storage space beneath decks (behind the home) must be screened by privacy lattice or landscaping with evergreen plants and should have minimal exposure to neighbors.

Storage: Front Yard and Front Porch The storage of bicycles, skate boards, or any other outdoor equipment is prohibited on front porches or in the front yard where they would be visible from the street.

Storage: Miscellaneous Vehicles The parking and storage of boats, trailers, camper shells, mobile homes, RVs, and school/church buses is not permitted in driveways.

Street Parking As a general rule, parking of vehicles on the street is prohibited, even by guests. Short term parking (four hours or less) is allowed if doing so is 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 traffic or access to other driveways.

Any vehicle parked on the street shall be parked parallel to the curb at all times and must be parked in the direction of the traffic flow. No street parking is allowed per city of Berkeley Lake ordinance between the hours of 2:00 a.m. and 6:00 a.m. No parking is allowed within 30 feet of any intersection, within 15 feet of a fire hydrant, and in any area specifically indicated by official signs or markings per Sec. 74-3 of the city of Berkeley Lake Code of Ordinances. See also "Parking, Driveway."

Swings See Arbors/Swings.

Trash/Recycling Containers* Trash cans and recycling containers must be stored out of view of the street or adjoining properties at all times, except on scheduled pickup days. Trash cans may be placed on the street the evening before trash day and are to be removed from the street on the evening of trash day. Storage of containers in front of or alongside garages or the home is prohibited. A screened area for trash and recycling container storage is allowed with approval, but storage in the garage is preferred.

Trash/Litter Removal Each homeowner is responsible for picking up litter on his property and preventing debris from originating on his lot. Included would be newspapers and advertisements that are left in or near driveways, whether they were requested by the homeowner or not. Litter created by the trash collectors should be removed from the street and disposed of properly.

Tree Removal** The city of Berkeley Lake has very specific rules regarding the removal of healthy trees. Diseased, dying, dead, or dangerous trees can be removed without approval from the city, but the Board of Directors of BWCA still requires the submittal of a Request for Modification Review for any tree exceeding 3" in diameter at breast height (DBH). See Sec. 42-266 (Permits) through Sec. 42-271 (Alternative Compliance) of the Berkeley Lake Code of

Ordinances (www2.municode.com/library/ga/berkeley_lake/codes/code_of_ordinances) for specifics or consult with City Hall. The removal of live branches greater than 8 feet above the ground also requires acknowledgement by your neighbors and written approval. See also “Lot Maintenance Trees.”

Walkways** The installation of walkways on a lot will be considered if it seems appropriate for the intended use and is appropriate to the size and scale of the lot. Stone, slate, flagstone, brick, concrete, or gravel would be appropriate materials. No approval is required if the walkway is located in the rear yard and:

- 1) does not extend beyond the sidelines of the house,
- 2) does not extend to within 10 feet of the side property lines, and
- 3) does not exceed 4 inches above ground level at any point.

Window Treatments Unless otherwise approved in writing by the Board of Directors, all windows on a home which are intended to be operable shall have window treatments. Any window treatment portion visible from outside the dwelling shall be white or off-white in color and in good condition (no broken or missing louvres or tattered or torn drapery).

Yard Debris Residents of Berkeley Lake can recycle their yard debris (prunings, leaves, weeds, grass clippings, branches, and dead plants) as part of their curbside trash/garbage service. Collected on Monday, please follow these guidelines:

- 1) Place materials at the curb by 6:00 a.m. on pickup day.
- 2) Place the materials in garbage cans or Kraft paper yard debris bags.
- 3) Branches/sticks can be tied in bundles with string or twine.
- 4) Do not use plastic bags.
- 5) When using Kraft paper yard waste bags, avoid putting wet debris at the bottom of the bag or otherwise allowing the bottom of the bag to get wet to prevent the bottom from falling out.

Curbside yard debris does not include dirt, stumps, metal, food waste, sod, lumber, ashes, household garbage, rocks, plastic, and animal waste.



Final Note: These Guidelines are not absolute and irreversible dictates. The Board of Directors feels, however, that adherence as closely as possible to them increases the likelihood of living in a harmonious and aesthetically pleasing community. The BWCA Board of Directors is open to other ideas, suggestions, and your viewpoint or opinion, and will review your project and these guidelines on a case by case basis. The Board of Directors reserves the right to amend or revise these guidelines as necessary.

* completion of a Request for Modification Review is required

** completion of a Request for Modification Review is required unless exempted by the criteria listed