

Henderson Village Property Owners Association

Architectural Design Standards

1. PREAMBLE

Each of us voluntarily accepted and are bound by the Declaration of Covenants, Conditions, and Restrictions for Henderson Village (hereafter called the Covenants). It was part of the paperwork each of us agreed to at the time of closing on the purchase of our particular property. Each of us should have received a copy at that time.

The rationale for the Covenants is to preserve the architectural and landscaping ambiance of our homes, properties, and neighborhood. Since the appearance and value of each of our homes depends greatly on the appearance of all the properties on our street and neighboring streets, all of us have a vested interest in the appearance of the other properties around us.

The Board of Henderson Village Property Owners' Association (hereafter called the Board) and the Architectural Control Committee (hereafter called the ACC) were established to ensure that the provisions of the Covenants are maintained throughout the community. These entities are not police agencies but are conservators of the appearance of our neighborhood. They are our voice when it becomes necessary to insist that our neighbors abide by the conditions and restrictions contained in the Covenants.

The ACC's mission is to determine the appropriateness of proposed modifications and to approve those deemed appropriate. In no case will the ACC address the issue of permits or building codes that are required by the City, the County, the State, or any other government agency. It is the Property Owner who is responsible for abiding by all laws for obtaining governmental permits when they are required.

The Board and the ACC ask you to study the Covenants and this set of design standards before submitting a request for modification to your home or property.

The intended purpose of these guidelines is to provide an understanding of our community standards. If you are unsure of the need to submit a Form for a project not specifically referenced by these guidelines, please call any member of the ACC for assistance.

Also, please remember that these are guidelines. If you feel you have a unique situation that bears consideration, submit a request. The ACC will make every effort to approve the request provided there is neither direct violation of the covenants or any negative impact on the community as a whole.

2. INTRODUCTION

The Covenants provides for a design review process through which property improvements must be approved by the ACC. This provision applies to both new construction as well as any exterior modification of existing homes and properties. The sole purpose of this provision is to achieve harmony, balance, and a high standard of quality within the community.

As an administrative arm of the Board, the ACC's role is to preserve, protect, and enhance the value of the properties in Henderson Village by enforcing the Covenants. The ACC is chartered with ensuring uniform and equitable compliance with these Covenants.

The following Community Design Guidelines are provided to amplify and supplement the Covenants. Note that in the event of a conflict, the Covenants will supersede the Community Design Guidelines.

3. APPLICATION INFORMATION

An Application for Modification Form (hereafter called the Form) is provided for use in requesting the approval of an exterior modification. The Form must be submitted to the ACC at least 30 days prior to the anticipated project start date. Modification requests must be approved, in writing, BEFORE work begins.

4. EXTERIOR BUILDING ALTERATIONS

4.1 General Guidelines

A Form must be submitted for all exterior building alterations. Building alterations include, but are not limited to storm doors and windows, construction of driveways, garages, carports, porches, and room additions whether attached or detached to the home.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, whether it is traditional or contemporary, no change may alter that character.

If the City of Alpharetta or any other government agencies make changes to the plans as approved by the ACC, the owner must submit an updated plan to the ACC for approval prior to construction.

Homeowners are advised that a City of Alpharetta/Fulton County building permit will be required for some exterior building modifications. It is the responsibility of the homeowner to obtain all required permits prior to construction.

4.2 Painting

Repainting requires prior written approval only if the color is changed. The following information must be provided when changing the color of your home:

- Paint Color, actual manufacturers paint samples for both siding and trim.
- Description of the area of the home to be repainted

When changing color, it will likely be requested that a 3' x 3' area on the side of the home be painted for final approval.

4.3 Awnings

A Form must be submitted for all awnings. Awnings or coverings must be constructed with a durable synthetic material, an approved equal or be a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. The following information must be provided in the Form:

- Picture or drawing of all windows or doors on which awnings will be installed
- The location of the awnings or coverings (generally, awnings are not allowed on the front of the home)
- A picture depicting the style of the awning or covering to be installed
- Color samples and a materials list

4.4 Storm Windows and Doors

A Form must be submitted for all storm windows and doors. Storm windows and doors must be made of bronze or anodized aluminum and have a factory applied or approved finish that is compatible with the home's primary and trim colors. The following information must be provided in the Form:

- A picture or drawing of all windows and doors on which storm windows and storm doors will be installed
- A picture depicting the style of storm window or storm door to be installed

4.5 Detached Buildings

Detached buildings, including, but not limited to, tool sheds, doghouses, and garages are not permitted. Outbuilding requests will be reviewed and MAY be approved on a case by case basis by the ACC.

4.6 Mail Boxes

Mail boxes must be of a type consistent with the character of the neighborhood or as designated by the Architectural Control Committee and shall be selected and placed by the Owners and shall be maintained by the Owners to compliment the residences and the neighborhood.

4.7 Window Air Conditioning units

No window air conditioning units will be permissible without the prior approval of the Architectural Control Committee.

5. DECKS

A Form must be submitted for all decks. The following items, without limitation, will be reviewed: location, size, conformity with the design of the house, relationship to neighboring dwellings, and proposed use. The following information is required:

- A site plan denoting location
- Dimensions
- Materials
- Color

The following guidelines have been adopted for decks in the community:

- Materials must be redwood, cedar, cypress, number 2 grade or better pressure treated pine, or other pre-approved material.

- Color must be neutral, white, or finished to coordinate with the exterior of the home.

Vertical support for decks must be a minimum of 4x6 (or approved code) wood post or painted (black) metal poles (preferably boxed in as to appear to be wood posts). Brick or stucco columns matching the home are also acceptable.

6. PATIOS AND FOOTPATHS

A Form must be submitted for patio covers, trellises, permanent seating, railings, and footpaths. A Form is not required for a patio or footpath if the following guidelines are met:

- The patio or footpath is located in the rear yard
- The patio or footpath does not extend beyond the sidelines of the house
- The patio or footpath does not extend within 10 feet of the side or rear property lines
- The patio or footpath elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for footpaths.

7. EXTERIOR DECORATIVE OBJECTS

The Covenants requires ACC approval before any object or item is erected or placed upon a lot. The ACC thus has the authority to regulate the objects within this Guideline.

7.1 General Guidelines

A Form must be submitted if any decorative objects, natural or manmade, are to be placed in the front or side yards. Exterior decorative objects include, but are not limited to, items such as bird baths, bird feeders, bridges; wagon wheels, sculptures, fountains, pools, benches, porch swings, flower pots, free standing poles of all types, flag poles, and items attached to approved structures. Objects will be evaluated on location, proportion, color, and appropriateness to the surrounding environment.

7.2 Exterior Lighting

A Form is required for all exterior lights or lighting fixtures not included as part of the original structure. A Form is not required if the lights meet the following criteria:

- Lighting does not exceed twelve (12) inches in height
- The number of lights does not exceed 10
- Individual lights do not exceed 100 watts
- Lights are white or clear in color and are non-glare
- Lights are located to cause minimal visual impact on adjacent properties and streets

7.3 Flag Poles

A Form is not required for single flagpole staffs that are attached to the front of the house. The size of the flag displayed may be no larger than 3'x5'. Freestanding flagpoles require ACC approval.

7.4 Plants and Flower Pots

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the home. Plants and flowerpots must always be neat and healthy. Front porch flowerpots must be neatly maintained and coordinate with the exterior of the home.

8. EXTERIOR LANDSCAPING AND MAINTENANCE

The Covenants authorize the ACC to approve landscaping and authorizes the Board of Directors to determine, in its sole discretion, if an owner's property is being properly maintained.

8.1 General Guidelines

Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Southeastern United States. The amount and character of the landscaping must conform to the precedent set in the neighborhood. The following maintenance guidelines apply:

- Each homeowner is responsible for the removal of debris, clippings, etc. from the property line to the center of the street. All planting areas should be properly maintained at all times. At the end of the growing season, all dead plants must be removed.
- Homeowners must keep their lots and all improvements thereon in good order and repair including, but not limited to, seeding, watering, mowing, pruning and cutting of all trees and shrubbery, and the painting or other appropriate care of all buildings and improvements. This should be done in a manner and with a frequency that is consistent with good property management and the codes of local government.
- All landscape beds should be covered with suitable mulch such as pine straw, chopped pine bark mulch, wood mulch, or other pre-approved material.
- Landscaping in Natural Areas: Several homes within Henderson Village abut wooded, natural areas. In these areas where grass will not grow, a suitable ground-cover such as Alyssum, Tapien (Verbena), Cotoneaster, Bishops Weed, Juniper, Moss, Liriope, Mondo Grass, etc. is permitted.
- Outdoor storage of garden tools and hoses must be screened from view.
- Outdoor storage of garbage bins must be screened from view. HVPOA has an approved structure. All others may be in violation.

8.2 Trees and Shrubbery

A Form is not required for ornamental trees and shrubbery. However, a Form is required for screen planting (row or cluster style) and property line plantings. No bedding or other alteration may divert the natural flow of water on adjoining properties. Any major landscaping that can be seen from the street must be approved by the ACC. Major landscaping is defined as plantings or earth/bolder moving that requires mechanical or crew assistance.

Forms must include a description of the sizes and types of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

Removal of living native trees is discouraged and may be regulated by the City of Alpharetta depending on the size of the tree.

8.3 Vegetable Garden Plots

A Form is not required for garden plots if all of the following guidelines are met:

- The plot is located behind the home and has a minimal visual impact from the street and adjacent properties
- The size of the plot is less than 150 square feet
- The maximum height of the plants is less than 4 feet

8.4 Firewood

Firewood is to be neatly stacked and located in the rear yard. Woodpile coverings are only allowed if the cover is of an earth tone color.

9. PLAY EQUIPMENT

9.1 General Guidelines

A Form must be submitted for all play equipment. The following guidelines apply.

- The play equipment must be located in the rear yard and within the extended sidelines of the house
- The play equipment must not be visible from the street and not exceed fence height.
- The play equipment shall be sized and located such that it will have minimal impact on adjacent properties
- The play equipment must be well maintained

Metal play equipment, exclusive of wearing surfaces (slide poles, climbing rings, swing seats, etc.) must be painted to blend into the surrounding environment.

9.2 Play Houses and Tree Houses

A Form must be submitted for all Play Houses and Tree Houses.

9.3 Basketball Goals

A Form is not required if all the following guidelines are met:

- The goal backboard is perpendicular to the primary street
- The goal is located no further forward than the front line of the house
- The goal backboard is white, beige, clear, or light gray
- The post is painted black
- The goal/backboard is freestanding or portable

Free standing or portable units must be maintained in good working condition and may remain outside during the season from March 1 through September 1.

10 PRIVATE POOLS

10.1 Children's Portable Wading Pools

A Form is not required for children's portable wading pools (those that can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. Portable wading pools must be stored when not in use.

10.2 Above Ground Pools

Above ground pools are not permitted.

10.3 In-Ground Pools

A Form must be submitted for all in-ground pools. The following information is required:

- Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house - some terracing may be acceptable
- Privacy fencing must meet guidelines
- The maximum pool area is 1,000 square feet
- Glaring light sources which can be seen from neighboring lots may not be used
- Landscaping enhancement of the pool area and screening with landscaping is required

10.4 Hot Tubs

A Form must be submitted for exterior hot tubs. Hot tubs must be screened from adjacent properties and streets.

11 PRIVATE TENNIS COURTS

A Form must be submitted for all tennis courts. Lot size and shape will be specific criteria governing approval. Tree removal will have a negative impact on the request. Lighted courts (other than community courts) are prohibited.

12 FENCES

12.1 General Guidelines

The original design concept for the neighborhood was created to promote the feeling of open space. Therefore, fencing is not generally encouraged. However, should an owner desire to erect a fence, a Form must be submitted for construction. A request for fencing must include the following information:

- A picture or drawing of the fence type listing all materials being used
- Dimensions including height, span between posts, post size, and crossbeam size and number of rails
- Color

- A site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties
- Acknowledgement of adjacent property owners' approval or disapproval. The following guidelines have been adopted for fences in the community
- No chain link or wire fencing is to be used
- The maximum height must not exceed 6 feet
- The maximum span between posts shall be 10 feet
- The minimum post size shall be 4x4 inches and the maximum shall not exceed 6x6 inches
- The cross beam structure (rails) shall not be visible from the street or adjacent properties
- The fence should be left natural (if wooden) or finished to coordinate with the house exterior

Fences shall not be located closer to any street than the middle of the home (on corner lots, the fence shall not be closer to any side street than the building lot line) and the fence must join the rear corners on both sides

Other items to be considered include:

- The initial finish and maintenance aspects of the fence in relation to weathering and deterioration over time
- The ability to maintain property between fences; "Alleyways" between fences are discouraged
- At the time of this publication, the minimum height requirement established by Fulton County for a private pool fence is 4 feet but 6 feet is recommended.
- The compatibility (style and finish) of the proposed fence to any existing fence on adjacent properties
- The chosen fence style should be proportionate to the home and lot
- Drainage - there must be enough space between the fence and the ground in area where water needs to pass underneath
- Utilities - consideration must be given to provide access to electric and gas meters. Consideration must also be given to utility easements (i.e. sewer)

Fences are the most frequent request received by the ACC. At the same time, fences tend to generate the most controversy between the ACC, the homeowner, and the owners of adjacent properties. These guidelines are intended to establish a standard that preserves the aesthetics and property values in the community.

12.2 Dog Runs

Dog runs are not permitted.

13. VEHICLES AND PARKING

- No boat, trailer, camper or recreational or any other type of vehicle may be parked or stored in open view on residential property for more than a 48 hour period.
- No large commercial vehicles may be parked in open view on residential property for more than a 24-hour period.
- All vehicles parked in open view and not in a garage must be registered and operable.
- No vehicle may be parked on any portion of the yard.

14. SATELLITE DISHES

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

Satellite dishes may be installed for reception, but not for transmission, in accordance with these guidelines. No other antennas or similar devices may be installed.

Satellite dishes shall be no larger than one meter in total size. Concealed cabling shall not count toward this total size guideline.

Satellite dishes may be installed, in order of priority, in the following locations: In the rear of the home within the sidelines of the house

- If ground mounted, satellite dishes must be screened from view by natural landscaping and cables must be buried
- Rooftop mounting of dishes is only permitted in the rear of the home

- Mounting of masts from trees is permitted, however mounting masts are limited to 12 feet

The satellite dish must be placed in a location that is least visible from the street.

15. STORAGE - Storage Pods or Similar configurations

Storage PODS may be used at a home owner's residence for no more than 2 week(s). PODS or similar configured devices must be placed in the homeowner's driveway.

16. BUSINESS USE

Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from any part of the property. The Owner or Occupant may conduct limited business within the dwelling so long as:

- The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the building.
- The business activity does not involve visitation of the Lot by employees, clients, customers, suppliers or other business invitees. Deliveries by courier (FedEx, UPS, etc.) are permissible.
- The business activity conforms to all zoning requirements
- The business activity does not increase traffic in the neighborhood
- The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage.
- The business activity is consistent with the residential character of the property and does not constitute a nuisance or hazardous or offensive use, or threaten the security or safety of other residents of the property as may be determined at the Board's sole discretion.

17. COVENANT ENFORCEMENT PROCEDURES

The enforcement power of the Association is set forth within the Declaration of Covenants. The Board will follow the following procedures regarding enforcement.

Apparent covenant violations - as reported by any source - may be submitted to the ACC to be referred for appropriate action. The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained and will be requested to take corrective action within a specified period.

If the violation cannot be resolved by the ACC, or if there is no response to the violation notice, or if the violation has not been remedied as requested, then the ACC is obligated to refer the matter to the Board. A letter will be forwarded to the homeowner from an officer of the Association indicating that failure to comply may result in one or more of the following actions

- Imposition of a fine on a per violation and/or per diem basis
- Suspension of the right to vote in association matters
- Recordation of notice of covenant violation with city code enforcement.
- Correction of the violation by the association with all costs charged to the homeowner
- Filing of a lien for all fines and costs, including but not limited to legal fees, to correct the violation

As a last resort, if the action is still outstanding, then it may be necessary for the Association to file a lawsuit in order to enforce the covenants.

18. SUMMARY

The intended purpose of these guidelines is to provide an understanding of our community standards. If you are unsure of the need to submit a Form for a project not specifically referenced by these guidelines, please call any member of the ACC for assistance.

Please, remember that these are guidelines. If you feel you have a unique situation that bears consideration, submit a request. The ACC will make every effort to approve the request provided there is neither direct violation of the covenants or any negative impact on the community as a whole.

