

Middlebrooke Design Standards

“Building a Better Neighborhood”
Effective March 1, 2005



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INTRODUCTION

The purpose of these Design Standards is to clarify the intent of various Articles; as listed in the Declaration of Covenants, Restrictions and Easements for Middlebrooke Subdivision. These Covenants are recorded at Deed Book 58 Page 100 Cherokee County, Georgia, recorded 21 January 1999.

This provision applies to any exterior modification of homes and properties in Middlebrooke. These *Design Standards* were created for the sole purpose of achieving harmony, balance and a high standard of quality within the Community. They are provided to amplify and supplement our Community's covenants. Homeowners are encouraged to study these guidelines as well as the covenants and bylaws. Note that in the event of a conflict, the Declaration of Protective Covenants will prevail.

As an administrative arm of the Board of Directors (Board), the role of the Architectural Control Committee (ACC) is to *preserve, protect and enhance* the value of the properties in Middlebrooke by enforcing the provisions set forth within the Declaration of Protective Covenants and the Design Standards presented herein. The ACC is chartered to ensure uniform and equitable compliance with these Standards.

The ACC will construe these standards reasonably, with the intent of honoring the wishes of homeowners where it is possible to do so without harming the neighborhood or the interests of other owners. In exceptional cases, the ACC may approve variances from these standards where individual circumstances warrant. The justification for such variances shall be specifically enumerated in the approval documents prepared by the ACC. The approval of a variance in any particular case in no way obligates the ACC to approve future variances, even in similar circumstances.

These Design Standards are not structured to cover all possible contingencies: it is not possible to anticipate every modification, which might be made to a house or lot. The fact that these Design Standards do not address a particular modification does not imply that such a modification is allowable. **All** changes to lots and house exteriors are subject to ACC review and approval, unless specifically exempted by the Covenants or these Design Standards.

Each request for project approval is unique to the property to which it pertains. Each request will be evaluated on the individual and unique elements of the project.

PLEASE NOTE...

Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approval. The contents of these standards, and any actions of the Board, the ACC or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC nor members thereof shall be held liable for injury, damages or loss arising out of any approval or disapproval, through construction or such modification to a lot.

As a final introductory comment, please remember –
**REQUEST APPROVAL BEFORE BEGINNING ANY
IMPROVEMENTS OR MODIFICATIONS!**

**These *Design Standards* Supercede Any
Previous Design Standards and/or ACC Guidelines.**

APPLICATION INFORMATION

An Application for Modification, hereinafter called “Form,” is provided for use in requesting review/approval of an exterior modification. The Form should be submitted to the ACC at least thirty (30) days prior to the planned start date for the work. Modification requests must be approved, in writing, before any work begins.

A completed Form must be submitted through the ACC for all other types of improvements or modifications. Any verbal approval is not sufficient. All modification approvals must be in writing.

ACC approvals are valid for a 90-day period only. If construction or work for an approved project does not begin within 90 days, a new Application for Modification request form must be resubmitted for approval.

STANDARD #1: Approval Prior to Current Design Standards

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

STANDARD #2: Exterior Landscaping & Maintenance

A. Landscaping Projects

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

Forms must include:

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

B. Ongoing Maintenance

Each homeowner is responsible for the general upkeep of the property so that the yard presents a manicured appearance.

This standard includes, but is not limited to:

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

C. Edging/Mulching Materials

Edging/Mulching materials for flowerbeds and islands should be limited to natural materials, be natural or earth tone in color, and be consistent with the style of the neighborhood. Edging should

not exceed 6" above the natural grade and should be even. White or brightly colored rocks may not be used as edging or ground cover. Consistent mulching material should be used for all beds in the front and side yards

D. Irrigation Systems

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

E. Trees and Shrubbery

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

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

Forms must include:

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

A Form **must be submitted** for tree removal except for:

- 1) Trees that are located within ten (10) feet of a drainage area, sidewalk, residence, or a driveway;
- 2) Diseased or dead trees;
- 3) Trees that are a danger to a person or property; or
- 4) Trees damaged by a storm.

If trees are removed, visible stumps must be removed or mulched below ground level and the area must be mulched or landscaped. Homeowners must notify the ACC in the event that trees and/or shrubs were removed as a result of disease, danger or storm damage.

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

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

When removing trees in front, side or back yards, consideration should be given to the impact on adjacent properties (i.e., loss of shade or privacy).

F. Vegetable Garden Plots

No vegetable garden plots are permitted in the front of the house.

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

- 1) The plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street;
- 2) The size of the plot is limited to 150 square feet;
- 3) All garden plots must be cleared at the completion of the growing season.

G. Firewood

The following guidelines apply to the storage of firewood:

- 1) Firewood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street;
- 2) Firewood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard; and
- 3) Firewood pile coverings are allowed only if the cover is an earth tone color and the woodpile is screened from the view of the street. For example, a tarp-covered woodpile may be located under a deck with shrubs planted around it.

H. Tools, Debris, Miscellaneous

Outdoor storage of garden tools, hoses, etc. must be screened from view of adjacent properties and streets. They must be kept in the rear yard or screened so as to conceal view from the street.

STANDARD #3: Home Maintenance

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

This standard includes, but is not limited to:

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

These actions **do not** require a Form, unless otherwise specified, but are routinely required.

STANDARD #4: Exterior Building Alterations

A. General Guidelines

A Form **must be submitted for all** exterior building alterations. The following, without limitation, will be reviewed:

- 1) Location;
- 2) Size;
- 3) Conformity with design of the house;
- 4) Relationship to neighboring dwellings; and
- 5) Proposed use.

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

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

B. Structural Modifications/Home Additions

A Form **must be submitted** for all structural modifications and home additions. Colors or finish must be compatible with the home's primary and trim colors. Materials used must be consistent with the original home and with the community.

Forms must include:

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

Exposed elevations using siding materials will be required to be similar to the original structure. Exposed foundations must be painted the same color as the house. Under certain conditions, other materials may be approved for foundation coverage.

C. Roof and Roofing Materials On Home Additions

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

D. Painting

A Form **must be submitted** for all repainting. No assumption should be made that an existing paint color is approved by the ACC. **All exterior (house and trim) paint colors must be selected from Middlebrooke Paint Color scheme and approval is still required!** (Appendix C).

Door and shutter colors may vary while remaining compatible and harmonious with exterior house color. Highly reflective, bright colors must be avoided. The colors of adjacent homes must differ.

Paint color changes require the following information:

- 1) Paint samples for all colors (e.g., siding, trim, shutters, and doors). Siding colors should be applied to a portion of the house for ACC approval. Approvals will not be granted from paint chips; and
- 2) A description of areas of the home to be repainted.

E. Siding

A Form **must be submitted** for all siding replacements. All siding must be well maintained and replaced as necessary. Replaced siding must be matched to the existing siding. New siding must be cement siding (i.e., Hardiplank) and painted. Vinyl siding is prohibited.

F. Roofs

A Form **must be submitted** for all roof replacements. Shingles must be textured and in shades of black or gray to be approved by the ACC. Roofs must be kept in good repair.

G. Mailboxes

All mailboxes must be maintained as originally designed for the community. In the event that a mailbox Middlebrooke Design Standards must be replaced, the Homeowner must replace the mailbox with one that is the same model as the standard Middlebrooke mailbox. Mailboxes will only

be changed when a neighborhood-wide change is required for the entire community. No exterior changes should be made. Natural stain color should only be used on the post.

H. Garage Doors

A Form **must be submitted** for all garage door replacements. Garage doors must be consistent with other homes in Middlebrooke. Doors must be replaced with the exact type as original. They may not have windows. Garage doors must be well maintained and in good repair.

I. Gutters

A Form **must be submitted** for all gutter replacement. Gutters must be consistent with other homes in Middlebrooke. Gutters must be steel or aluminum and may be painted the same color as the house trim; other materials can be submitted for approval.

J. Storm Windows and Doors

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

K. Detached Buildings

A Form **must be submitted** for all detached buildings. Detached buildings are discouraged but will be considered subject to the following guidelines:

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

L. Awnings

A Form **must be submitted** for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. Awnings must be kept in good repair.

The addition of awnings or coverings requires the following information:

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

M. Dog Houses/Runs

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

STANDARD #5: Miscellaneous Exterior Installations

A. Signs

An Owner or Occupant shall erect no sign of any kind within the community without prior written consent of the ACC except as follows:

- 1) "For Sale" or "For Rent" sign consistent with the community wide standard and having a maximum area of four square feet and a maximum height of four feet above ground level.
- 2) Security signs consistent with the Community-wide standard.
- 3) Any signs required by legal proceedings.
- 4) Temporary signs: birth announcements, political endorsements and contractor signs.
- 5) There may only be one sign per yard and may be displayed for up to fourteen (14) days. Only one sign may be placed on a property in a 30-day period.
- 6) No signs are permitted for personal business.
- 7) Signs must be in good condition.
- 8) Signs must not be mounted on trees, traffic signs, or other existing structures.
- 9) Signs must be on private property with the owner's consent.
- 10) Real estate signs may be placed at the front of the subdivision beginning on Friday at 1:00 PM and must be removed by midnight Sunday.

B. Clotheslines

Clotheslines of any kind are not permitted.

C. Storage

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

D. Trash Container

Trashcans and any landscape trash may be placed at the curb **no earlier than 6 PM** on the day prior to collection. Garbage cans are to be removed from the curb **no later than 9 PM** on collection day.

E. Trash Container Storage

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

F. Trash Burning

Trash, garbage, debris, or other waste matter of any kind may not be burned within the Community without a permit from Cherokee County.

G. Window Air Conditioners and Fans

Window air conditioners and fans are prohibited.

H. Window Treatments

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

I. Grills and Propane Tanks

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

J. Energy Conservation Equipment

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

K. Rental Use

Any tenant shall abide by and be subject to all provisions of the Covenants, Bylaws, and Design Standards of Middlebrooke. Occupancy in the rented house shall be limited to one family or no more than two unrelated adults.

STANDARD #6: Fences

A. General Guidelines

A Form **must be submitted** to the ACC for any fencing. These fence guidelines are intended to establish a standard that is appropriate to the aesthetic and home values of the Community.

A request for fencing must include the following information:

- 1) Picture or drawing of the fence type listing all materials to be used;
- 2) Dimensions including height, span between posts, post size and crossbeam size;
- 3) A site plan denoting the location of the fence with information as to existing fences erected on adjacent properties (a copy of your plat is suggested);
- 4) Acknowledgment of adjacent property Owners approval or disapproval; and
- 5) The sample color of stain or seal that will be used, if any.

B. Minimum Standards

The following guidelines have been adopted for fences in the Community:

- 1) Fences must be made of wood.
- 2) Six examples of fencing are included in these guidelines - see Appendix A. Others can be submitted for approval.
- 3) Three basic styles for fence tops will be approved: saddle, straight and scalloped.
- 4) The height of the fence should be a minimum of 4 feet at the posts.
- 5) Fences must be a minimum of 4 feet with a maximum height of 6 feet.
- 6) The recommended span between posts is 8 feet. The maximum is 10 feet.
- 7) No gaps between pickets are allowed. One-half inch spacing is acceptable.
- 8) The finished side of the fences must be turned to the outside.
- 9) All fences must fit harmoniously with the current styles in the community.
- 10) Fences shall not be located closer to the street than the rear edge of the home.

11) On corner lots, fences will be evaluated on a case-by-case basis due to lot configuration/size, safety issues, and view from the street, window placement and house location.

12) Fence approval on corner lots will require more landscaping and set back distance of twenty feet or more from the adjacent sidewalk to avoid a “stockade” appearance.

13) All fences must be maintained.

14) No chain link or barbed wire fencing is to be used.

Other items to be considered include:

1) The ability of homeowners to maintain property between fences;

2) Landscaping required to soften the view from the street;

3) Drainage – adequate space between the fence and the ground is required for water to pass under;

4) Utilities – allow adequate access to electric and gas meters and utility easements.

A Form must be submitted for all staining or sealing of fences except when clear sealants are used, this includes re-staining or re-sealing.

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

STANDARD #7: Play Equipment

A. General Guidelines

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

1) The play equipment shall be located in the rear yard and within the extended sidelines of the house (i.e. not visible from the street when possible);

2) The play equipment shall be located within a screened fence area of the rear of the house, if yard is fenced. Screening should be natural foliage such as shrubs and trees that are consistent with neighborhood standards and the general landscaping plan adopted for the property;

3) The play equipment shall be sized, colored, designed, and located such that it will have minimal visual impact on adjacent properties or when possible from the street; and

4) Trampolines shall be screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street. In most cases, trampolines will require approved fencing to adequately shield them from view.

The ACC strongly recommends that play equipment (except basketball goals – see below) be of wood construction and be environmentally and aesthetically compatible. Metal or plastic play equipment will generally require more fencing and landscaping to shield the equipment from view and will generally be required to be painted to blend into the surrounding environment (earth tones).

Portable play equipment may be left in front or side yards or visible from the street for a period not to exceed 48 hours or on a regular basis. Skateboard ramps, soccer goals, hockey goals, and other similar play equipment may not be permanently affixed to the ground and must be stored where not visible from the street or adjacent properties.

B. Play Houses/Tree Houses

A Form **must be submitted** for all play/tree houses. The following guidelines apply:

- 1) Playhouses and tree houses must be located where they will have minimal visual impact on adjacent properties and when possible from the street; and
- 2) Materials used must match or coordinate with the existing materials of the home; and

Note: Playhouses and tree houses, once approved, must be maintained to preserve the approved decor.

C. Basketball Goals

A Form **must be submitted** for all basketball goal installations. The following guidelines apply:

- 1) The goal should be located with the least possible view from the street and adjacent properties (the goal should be perpendicular to the street whenever possible);
- 2) The backboard should be white, beige, clear or light gray. Other colors will be considered if muted;
- 3) The post should be painted black;
- 4) Only portable goals allowed and units should be stored when not in use.

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

STANDARD #8: Patios/Walkways/Driveways

A. Patios/Walkways

A Form **must be submitted** for patios, walkways, patio covers, trellises, permanent seating, railing and other items unless all the following criteria are met:

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

The following information will be required:

- 1) Site plan denoting location
- 2) Dimensions
- 3) Materials
- 4) Proposed use
- 5) Color

The following guidelines must apply:

- 1) Any patio or walkway should conform to the original design of the house and must be approved by the ACC prior to construction.
- 2) Walkways can be surfaced with concrete, brick, or other permanent concrete/brick combinations.
- 3) Cracks with a gap greater than or equal to one-half inch in walkways, or driveways must be repaired and maintained without pitted or sunken areas, discolorations or large stains.

Homeowners are advised that a building permit may be required for a patio.

B. Driveways

A Form must be submitted for all changes to existing driveways. The following guidelines apply:

- 1) Driveways must be surfaced in concrete.
- 2) Asphalt driveways are not permitted.
- 3) Decorative resurfacing or coloring of driveway is prohibited.
- 4) Parking pads that are not part of the original construction will be approved on a case-by-case basis.

STANDARD #9: Decks and Retaining Walls

A. Review and Approval

A Form **must be submitted** for all decks and retaining walls. All decks and retaining walls will be considered in a case-by-case basis. The following, without limitation, will be reviewed:

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

B. Decks

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

- 1) In most cases, the deck may not extend past the sides of the home;
- 2) Deck materials must be cedar, cypress, or No. 2 grade or better pressure treated pine;
- 3) Other materials will be considered with submitted samples;
- 4) The color must be natural or finished to coordinate with the exterior color of home; and
- 5) Vertical support for wood decks must meet minimum county standards for wood post or painted (black) metal poles must be boxed-in as to appear to be wood posts – brick or stucco columns matching the home are also acceptable.
- 6) Decks must be properly maintained.

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

C. Retaining Walls

The following guidelines have been adopted for retaining walls in the Community:

- 1) All exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick, stucco, landscape timbers or cross-ties (as permitted per section two below) to compliment the existing structure; and
- 2) Retaining walls constructed of landscape timbers or cross ties, if visible from the street, must be shielded or softened by an approved vegetative landscape method.
- 3) Retaining walls and timbers must be properly maintained.

STANDARD #10: Exterior Decorative Objects

A. General Guidelines

A Form **must be submitted** for all exterior decorative objects, both natural and manmade. Exterior decorative objects include items such as birdbaths, bird feeders, sculptures, statuary, benches and porch swings, garden flags, and items attached to approved structures. The following objects are prohibited: bridges, wagon wheels, fountains, pools, and freestanding flagpoles.

Objects will be evaluated on criteria such as location, proportion, color and appropriateness to surrounding environment and will be approved on a case-by-case basis. A Form must be submitted for all statuaries located in back yards that may be visible from adjacent properties. The Form must include the placement, dimensions and materials of said statuary. Materials used must match or be harmonious with existing materials of the home and landscaping. Statuaries placed in the backyard should not be visible from the street.

Door wreaths less than 30 inches in diameter do not require ACC approval. All objects must be kept in good condition and well maintained.

B. Exterior Landscape & Security Lighting

Except as provided below, a Form **must be submitted** for all exterior lights or lighting fixtures not included as a part of the original structure.

A Form **is not** required if the lights meet the following criteria:

- 1) Individual lighting units do not exceed 12 inches in height;
- 2) The number of lights does not exceed 10; and
- 3) Individual lights must not exceed 100 watts, are white or clear, non-glare type and located and aimed to cause minimal visual impact on adjacent properties and streets.
- 4) Seasonal lighting can be installed 30 days before the holiday and must be removed within 15 days of the said holiday.

C. Flag Poles

A Form **is not** required for installing a single flagpole attached to the front portion of a house. The size of any flag displayed may not be greater than 3x5 feet. Flags must be in good condition, free from rips, tears or significant fading. Freestanding poles are prohibited.

D. Plants and Flower Pots

Front doors and entry area decorations must be tasteful and in keeping with the style and colors of the house and community. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flowerpots (maximum of four) that coordinate with exterior home colors and containing evergreens/flowers **do not** require submission of a Form.

E. Water Features

Water features are not allowed in the front yard. All water features in the backyard should be maintained in the condition as originally approved and installed.

F. Artificial Vegetation

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

STANDARD #11: Pets

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

- 1) No animals, livestock, or poultry of any kind may be raised, bred, kept or permitted on any Lot, except cats, dogs, and other usual and common household pets.
- 2) No pet may be kept, bred, or maintained for any commercial purpose.
- 3) No pet shall be allowed to endanger the health of the Community, make objectionable noise, or constitute a nuisance or inconvenience to the Owners or Occupants of other Lots or the Owner of any property adjacent to the Community.

- 4) All dogs shall be kept on a leash while they are outside the Owner's property.
- 5) Dogs that are kept outside must be kept in a fenced yard (ACC approved).
- 6) Dogs can be kept outside on a tether in the front yard for a period of no more than 6 hours. The tether must be removed and stored out of sight when not in use.
- 7) Cats should be kept within the boundaries of the Owner's property.
- 8) Pet owners should clean up pet waste when outside their property.

STANDARD #12: Private Pools

A. In-Ground Pools

A Form **must be submitted** for all in-ground pools. Building permits must be obtained and county regulations must be followed.

The following information is required:

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

B. Hot Tubs

A Form **must be submitted** for exterior hot tubs. Hot tubs and all pump and filter equipment must be screened from adjacent properties and streets.

C. Children's Portable Wading Pools

A Form **is not** required for children's portable wading pools (those that can be emptied at night). Portable wading pools must be stored out of sight from the street when not in use and may not be kept in view from the street for more than 48 hours.

D. Aboveground Pools

Aboveground pools are prohibited.

STANDARD #13: Private Tennis Courts

Private tennis courts are not permitted.

STANDARD #14: Vehicles & Parking

For the safety of the community, parking of vehicles in the common areas is limited to 24 hours. No extended parking is permitted without prior approval from the ACC as stated below.

The following guidelines apply:

- 1) No towed vehicle, boat, trailer, camper, recreational vehicle, motor home, mobile home, bus, truck with camper top, commercial vehicle, truck over one ton capacity, motorcycle, minibike, scooter, go-cart, or similar vehicle is permitted on any lot for more than 48 hours, except if kept in an enclosed garage.
- 2) No commercial vehicle or any vehicle displaying signage may be parked or stored in open view in the Community for longer than a 48-hour period;

- 3) All vehicles parked in open view and not in a garage must be licensed, operable, and may not be unsightly;
- 4) No vehicle may be parked on any yard, sidewalk, or side yard; and
- 5) Parking of vehicles on the street is prohibited. Temporary parking (six hours or less) is allowed if not a nuisance to neighbors or an impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways or the flow of traffic.

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

STANDARD #15: Antennas, Satellite Dishes

A. General Guidelines

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

Satellite dishes may be installed for reception, but not transmission, in accordance with these guidelines. No other antennas or similar devices may be installed without approval of the ACC.

Before installation or attachment of any Satellite Dish is permitted, the Owner must notify the ACC in writing using the attached Satellite Dish Notification Form. If the Satellite Dish is installed in an approved location and in accordance with these guidelines, then no further action is required of the Owner other than providing the notification form to the ACC. Ground mounted satellite dishes require ACC application.

B. Other Considerations

1. Satellite Dish Size Limits

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

2. Location

With submission of a Notification Form as provided above, and without further approval of the Board or ACC, **Satellite Dishes may be installed in the following locations:**

- a) In or on the rear of the home within the sidelines of the home so as not to be visible from the street.
- b) Rooftop mounting only on the rear of the home.
- c) An alternate location that is least visible to public view.

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, the following procedure should be used. Prior to installing the Satellite Dish in an alternate location, the Owner **must submit to the ACC a written request to install the Satellite Dish** in an alternate location. This request must include specific, written documentation describing why the pre-approved locations are not acceptable.

3. Installation

Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface, or on the surface of the exterior siding or brick of any home.

The Owner or Occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, (i) reattachment of Satellite Dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured or deteriorated.

STANDARD #16: Business Use

Each house shall be used for residential purposes exclusively. No business or business activity may be conducted in or from any Lot or any part of the Property at any time except with the written approval of the Board. This includes business uses ancillary to primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling so long as the following conditions apply:

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

DESIGN STANDARD ENFORCEMENT PROCEDURES

A. General Guidelines

Design Standard violations – as reported by any source – may be submitted to the Property Management Company for appropriate action. The following process will ensue:

- 1) **Confirmation** that a violation exists by site visit.
- 2) If substantiated, the homeowner will be mailed a **violation letter** and provided the following information:
 - a) Description of the violation;
 - b) Steps necessary to remedy the violation; and
 - c) A time period to either respond in writing and/or remedy the violation.
- 3) If the matter is not resolved, a **second violation letter** will be sent advising the new time frame for correction.
- 4) Failure to comply could result in any or all of the following **sanctions** :
 - a) Imposition of a fine on a per violation and/or per day basis;
 - b) Correction of the violation by the association with all costs charged to the homeowner, including towing and impounding vehicles;
 - c) Filing of a lien for all fines and costs, including but not limited to legal fees, to correct the violation; and/or,
 - d) The filing of a lawsuit.

These actions may be taken in any order and do not represent in any way a limitation to the actions available under the Declaration of Protective Covenants or the laws of the state of Georgia.

Note: When a determination has been established that a property is in violation of the Guidelines, and the property Owner has been properly advised, that violation will remain active until it is resolved. Transfer of ownership of a property WILL NOT erase an outstanding violation since a violation follows the property, not the property Owner.

B. Penalties

Penalties for non-compliance may include fines and other legal remedies prescribed in the Declaration of Covenants, Conditions and Restrictions as deemed necessary by the ACC.

Noncompliance includes but is not limited to the following:

- 1) Failure to apply for ACC approval of a project;
- 2) Second notice of the same violation;
- 3) Third notice of the same violation;
- 4) Failure to pay assessed penalty and/or costs attributed to Right of Abatement.

**These *Design Standards* Supercede Any
Previous Design Standards and/or ACC Guidelines.**

ADDENDUM A – APPLICATION FOR MODIFICATION

**Middlebrooke Homeowners Association
"A Design Standard Community"
Modification Approval Form**

Name: _____ Date: _____
Address: _____ Lot #: _____
Phone: _____ Email: _____

Please refer to your copy of the Middlebrooke Covenants and Design Standards before completing

Modifications Requested

(Including specific details of materials, colors, styles, etc.)

- A. Fences (Refer to Standard #6)
- B. Landscaping (Refer to Standard #2)
- C. Pools and Spas (Refer to Standard #12)
- D. Recreational Equipment (Refer to Standard #14)
- E. Repainting (Refer to Standard #4)
- F. Roof (Refer to Standard #4)
- G. Screening and Lattice (Specify material, style, color, location, and elevation)
- H. Structure Addition or Removal (Refer to Standard #4)
- I. Tree Removal (Refer to Standard #2)
- J. Other (Submit appropriate information and detailed descriptions)

Comments: _____

Date to start project: _____ Date project will be complete: _____

Have you discussed this project with your neighbors? _____

Address/Neighbor adjacent to Left _____ Right _____

Address/Neighbor adjacent to Rear _____

Address/Neighbor in Front, across Street _____

Please allow a maximum of 30 days for a modification review. ***If modification is started prior to approval, fines will be assessed.***

Requesting Homeowner's Signature: _____ Date: _____

Please send Architectural issues to:
Sheila LeCompte
504 Middlebrooke Trace
Canton, GA 30115
slecompte@alltel.net

Send Landscaping issues to:
Marc Duclos
420 Middlebrooke Street
Canton, GA 30115
maddak1@yahoo.com

To be completed by ACC:

Date received: _____ Date Reviewed: _____

Action: _____

Approved Conditionally Approved Disapproved

Date Homeowner Notified: _____ Signed: _____

Approval Valid Until: _____

ADDENDUM B – NOTIFICATION FORM FOR DISH OR ANTENNA

Middlebrooke Homeowners Association

Note: This form must be completed and returned prior to installation. Installation in a location other than one of the pre-approved locations requires ACC approval. Incomplete Forms will be returned. Documentation submitted or review becomes the property of Middlebrooke Homeowners Association.

Name: _____ Date: _____
Address: _____
City/State/Zip: _____ Home Phone: _____
Cell/Office Phone: _____ Other: _____

- 1) Type of satellite dish or antenna to be installed:
 - DBS satellite dish 1 meter or smaller (e.g. Dish Network, Direct TV)
 - MMDS antenna (wireless cable) 1 meter or smaller (e.g. WANTV)
- 2) Installation of the satellite dish or antenna will be done by: _____
- 3) Does the location of the satellite dish or antenna comply with the Association's standards?
 - YES NO I am requesting approval for an alternate location:

Please describe the exact location of the satellite dish or antenna and provide a diagram or drawing of the location. If the satellite dish or antenna is not to be installed in one of the pre-approved locations, you must provide specific, written documentation as to why the pre-approved location is not acceptable and obtain ACC approval of the proposed alternate location.

Description of Installation Location (use other side if necessary): _____

Estimated Start Date: _____ Completion Date: _____

I acknowledge that I have read, understand and have complied or will comply at all times with the Association's current standards with respect to the installation of satellite dishes or antennas.

Homeowner's Signature _____ Date _____

Homeowner's Signature _____ Date _____

(All owners must sign)

FOR ACC USE ONLY:

Date Received _____

Meets Guidelines Deviation Approved Deviation Denied

By (ACC/Date) _____

ADDENDUM C – MIDDLEBROOKE EXTERIOR COLOR SCHEMES

Traditional Selections

SCHEME #	SIDING	TRIM	ACCENT	ACCENT
T-1	Golden Blonde 7280W	Impressive Ivory 8190W	Georgetown Green	Old Colonial Red
T-2	Oaks Flats 8684M	Aria Ivory 8680W	Peking Blue 8556A	Black Deco AC144N
T-3	Graceful Gold 8192W	Impressive Ivory 8190W	Old Colonial Red	Foxhall Green
T-4	Sawyer's Fence 8231W	Whispering Birch 8210W	Aspiration	Black Deco AC144N
T-5	Daytona Gray 8811W	Respectfully White CW069W	Mission Brown AC140N	Black Deco AC144N
T-6	Hayseed 8220W	Picket White CW066W	Georgetown Green	Sable Night 8546N
T-7	Gray Ashlar 8760W	Sea Cloud CW060W	Farm House Red	Blackmar 8536N
T-8	Botany Beige 8221W	Natural Echo CW054W	Georgetown Green	Old Colonial Red
T-9	Misty Mica 8711W	Apple Tint CW036W	Old Colonial Red	Olympic Pine 8596N
T-10	Frontier Tan 8732W	Paraffin 8650W	Old Colonial Red	Briny Deep 8576N
T-11	Lulled Beige 8232W	Whispering Birch 8210W	Old Carriage Brown	Night Sail 8566N
T-12	Natural Echo CW054W	Natural Echo CW054W	Charleston Green	Old Colonial Red
T-13	Beige Pediment 8702W	Natural Echo CW054W	Foxhall Green	Old Colonial Red
T-14	Burma Buff 8201W	Whispering Birch 8210W	Farm House Red	Georgetown
T-15	Bleached Sand 8200W	Floral White CW033W	Blackmar 8536N	Olympic Pine 8596N
T-16	Beige Pediment 8702W	Paraffin 8650W	Sable Night 8546N	Sable Night 8546N

Nostalgia Selections

SCHEME #	SIDING	SHAKE	WOODTRIM
N-1	Rugged Trail 8663W	Backpack 8664M	Aria Ivory 8680W
N-2	Lulled Beige 8232W	Crisp Khaki 8233M	Sunbaked Sand 8230W
N-3	Tinderbox 8683W	Oak Flats 8684M	Artist's Canvas 8681W
N-4	Crisp Khaki 8233M	Crisp Khaki 8233M	Botany Beige 8221W
N-5	Lava Rock 8764M	Lava Rock 8764M	Daytona Grey 8811W
N-6	Desert Castle 8722W	Desert Castle 8722W	Pongee Tint 8720 W
N-7	Muddy River 8674M	Muddy River 8674M	Tequila 8672W
N-8	Oak Flats 8684M	Oak Flats 8684M	Estate Greige 8682W
N-10	Tram Gray 8643M	Tram Gray 8643M	Burbury Beige 8671W
N-11	Daplin 8234M	Daplin 8234M	Sawyer's Fence 8231W

SCHEME #	SHUTTERS AND FRONT DOOR	PORCH / BAYTOP	STAIN
N-1	Georgetown Green	Georgetown Green	Beachwood Gray MWST19
N-2	Wilderness Green 8626N	Wilderness Green 8626N	Sienna Sand MWST24
N-3	Manganese 8826N	Manganese 8826N	Taupe MWST28
N-4	Black Metal 8796N	Black Metal 8796N	Sienna Sand MWST24
N-5	Bumt Hickory 8816N	Bumt Hickory 8816N	Sterling Coin MWST16
N-6	Blackmar 8536N	Blackmar 8536N	Sienna Sand MWST24
N-7	Blackmar 8536N	Blackmar 8536N	Wood Cut MWST35
N-8	Wagon Wheel 8836A	Wagon Wheel 8836A	Taupe MWST28
N-10	Old Porch 8636N	Old Porch 8636N	Sterling Coin MWST16
N-11	Wilderness Green 8626N	Wilderness Green 8626N	Cedar MWST1

Note: Paint codes are Duron color codes. Even though colors are selected from the approved color schemes, you still must request approval before painting or fines will be assessed!

ADDENDUM D – FENCE GUIDELINES

These are the approved fence types for Middlebrooke subdivision. All fences must be approved by the Architectural Control Committee (ACC). Requests should be in writing and include location, materials, style, color, height and other information as requested by the ACC.

General guidelines and specifications are as follows:

- No fence shall be forward of the rear of the house.
- Location sketch should be on plat plan (survey)
- A distance of at least (1) inch from the ground shall be maintained so proper drainage may be established.
- Fence material shall be of wood. (Chain link fence is not allowed)
- Natural color sealer only may be applied.

Fence Specifics

Fence type	3 Feet	4 Feet	5 Feet	6 Feet
Privacy	No	No	No	Yes
Ranch Rail	No	Yes	No	No
Picket	No	Yes	No	No

6 Ft. Privacy (Dog-eared or Scalloped)

- No more than 1/8" spacing between boards
- Decorative, dividing posts required for dog-eared fences. **(Note: Posts should be visible from outside of fence, not behind boards)**

4 Ft. Ranch Rail (3 Rail)

- Wire mesh, such as galvanized or vinyl coated (no poultry wire) will be permitted only on the inside of the fence. This should be as invisible as possible.

4 Ft. Picket Fence (Arched or Gothic picket)

Stain/Paint

- Fences may be stained with a natural stain only.

**Fence types, materials and heights may be modified, subject to approval.



3-Rail 5/4 board fence with French Gothic 4x4 posts and galvanized welded wire (Ranch rail)



3 Rail fence with 6x6 bevel/dado posts and 2x6 rails



- 6 FT Dog Eared Privacy Fence with dividing, decorative posts (Note: Posts should be visible from outside of fence per picture, not behind boards)



Cedar arched 6 ft privacy fence with decorative 4x4 posts



4 FT Arched cedar picket fence with 4x4 French Gothic posts.



4 ft. French Gothic Pickets and French Gothic posts.