

# ARCHITECTURAL REVIEW COMMITTEE WILLBROOKE HOMEOWNERS ASSOCIATION, INC.

## COMPOSITION

The Architectural Review Committee (ARC) shall consist of no less than three nor more than five homeowners in good standing. At least one member shall be a Director who is serving his or her second term or more on the Board of Directors. The Committee itself, not the Board of Directors, shall elect one member as Chair.

## AUTHORITY

This Committee is subject to the Georgia Nonprofit Code, the Articles of Incorporation, the Declaration of Covenants for Willbrooke Subdivision, and the Willbrooke Bylaws. Its Standards are derived from Article VI, "Use Restrictions" in the Declaration. Its enforcement procedures are taken from Article XI, Section 4, and Article XII, Section 1, in the Declaration.

## FUNCTION

Like the Directors, any member of the ARC *shall have the right during reasonable hours and after reasonable notice* to enter any yard to inspect the property without being guilty of trespassing. The maintenance and repair of the houses shall be inspected periodically as well as the design and upkeep of the yards. Any homeowner wishing to undertake exterior construction, alteration, addition, or erection of any nature must, prior to the commencement of such work, submit written plans and specifications showing at least the nature, kind, shape, height, materials and location to the ARC and receive the written approval of the ARC. The Committee shall provide a form for this request entitled "Modification Request Form." The ARC, not the Board of Directors, shall be the sole arbiter of such plans and may withhold approval for any reason, including purely aesthetic considerations. If the ARC fails to approve or to disapprove submitted plans and specifications within sixty (60) days after the plans and specifications have been submitted to it, the foregoing shall be deemed approved provided, however, such plans are consistent with the provisions of the Declaration, the Bylaws, any design standards, rules and regulations, or applicable zoning ordinances.

## SIGNS

No signs of any kind are permitted without prior written approval except commercial "For Sale" and "For Rent" signs, security service signs, signs required by legal proceedings, and signs placed on the common land by the Board of Directors to announce meetings of the Board or of the Association. "Garage Sale" signs require prior written approval. Garage sales shall be held only inside the garage and only on weekends. All "Garage Sale" signs must be removed from the entire Willbrooke community before the Monday immediately following the garage sale.

## TREES

No trees, regardless of size, shall be removed from any portion of the Community without prior written consent of the ARC except for trees that are located within ten feet of a drainage area, a sidewalk, a residence, or a driveway, or trees that are diseased or dead.

## OUTDOOR ACTIVITIES

Equipment and supplies used in outdoor projects and activities, including, but not limited to, gardening and other horticultural pursuits, automobile maintenance, furniture refinishing, and sports shall not remain upon any patio, driveway, walkway, or yard or any other location outdoors on the ground level. Outdoor play equipment requires written approval from the ARC.

**COMMUNITY-WIDE STANDARD**

Exhibit A, Section f of the Declaration requires the Board of Directors to establish a standard or "model" for the exterior of the houses and the landscaping of the lots. This standard must be consistent with the original design established by the Declarant when the Community was developed. Therefore, no changes in the original intention of the Declarant are permitted, and the ARC will approve only the modifications that are consistent with the original development.

**DRAINAGE**

During the development of the Willbrooke Community, civil engineers designed a drainage system for the entire property. This system must not be altered. No changes shall be made in the original flow of water in the Community. No barriers to the original flow shall be permitted. No additional channels shall be created. Embankments shall be maintained and prevented from eroding.

**FENCES**

Fences require approval by the ARC. No chain-link or barbed-wire fences will be approved. The installation of the fence shall not alter the original flow of water or drainage system designed by the developer and approved by the City.

**LINES**

Above-ground lines of any kind are not permitted, including, but not limited to, cables and other utility lines, clotheslines, and access restraints.

**INTERSECTIONS**

Line of sight shall not be blocked by any fence, wall, hedge, shrubbery, tree or any other installation at any street intersection in Willbrooke.

**OUTDOOR LIGHTING**

One outdoor post light and seasonal lighting are permitted. Christmas lights shall remain outdoors only from Thanksgiving until January 15 each year. Other seasonal lights such as Halloween lights shall remain outdoors for a period of only two weeks. Likewise, non-electric patio and deck lights to repel mosquitos do not require prior approval.

**OUTDOOR FURNISHINGS**

Only items manufactured and sold for outdoor use may be placed outside the house for seating, dining, grilling, decoration, and bird feeding. No other uses shall be approved by the ARC. Exterior fountains and sculpture require written approval. Flower pots and other plant containers without living plants in them shall not be stored outside. Patios, decks, and other outdoor areas shall not be used as storage areas. The use of tarpaulins shall not be approved. Grill covers manufactured for that use do not require approval.

**FLAGS**

The flag of the United States of America may be displayed on a seasonal basis by placing it on a flagpole in a metal bracket located over the garage doors. National standards for display of the flag must be observed. All other flags and banners require written approval by the ARC.

**SWIMMING POOLS**

No above-ground pools are permitted except small wading pools for children may be used on patios and decks but not stored outside. In-ground pools require submission of plans to ARC.

## DETERIORATION

All maintenance of the lot and all structures, parking areas, landscaping, and other improvements thereon shall be the sole responsibility of the owner thereof, who shall maintain the property in a manner consistent with the Declaration and the Community-Wide Standard (Declaration, Article V, Section 2). It is the intent of the Declaration that each owner shall maintain his or her property in Willbrooke so that the quality and appearance is at least on a level with the quality and appearance of the property developed by the Declarant. Paved areas must be cleaned and patched; gutters emptied of leaves and debris; stains removed from the painted exterior; dents and holes in the siding and facing patched; paint applied when necessary; and roofing replaced in a timely manner. Similarly, the landscape must be maintained on the lot so that it is substantially the same as the landscaping provided by the Declarant if not greatly improved. Lawns shall be mowed, edged, and trimmed when needed, weeds removed by hand or by chemical treatment, insecticide applied to all planted areas to prevent Japanese Beetle grubs and other destructive insects in the Community, foundation plantings and embankments weeded, cultivated to remove grass, and mulched, and bare spots in the lawns replanted. All plantings must be fertilized regularly. Shrubs and some trees must be pruned at least once a year. In like manner, the improvements to the lot must be well maintained. Outdoor furnishings shall be in good repair and clean condition. Leaves and other debris shall be gathered regularly and placed in composting containers at the back of the lot or in other appropriate locations. Mailboxes shall also conform to the Community-wide Standard: a black, rural-type metal box supported by a black metal filigree on a two-inch black metal pole capped by a black metal finial. On top of the mailbox the house number is to be displayed on a black metal plaque. Paint applied to the houses shall conform to the community Standard as well.

## OUTDOOR PLAY AND SPORTS EQUIPMENT

Until such time as the Declaration is amended, playground equipment such as swings, slides, sandboxes, portable basketball goals, soccer goals, volleyball nets, golf nets, exercise equipment, trampolines, jungle gyms and all other recreational items must be approved by the ARC.

## DOORS

Any alteration, removal or addition to the entries of the houses requires prior written approval from the ARC. Storm doors shall conform to the "fullview" aluminum, white, safety-glass Standard on the model home at 3745 McClure Woods Drive. However, privacy may be provided by black or white translucent plastic film on door sidelights or glassed garage doors without application to ARC.

## WINDOWS

Exterior shutters may be placed on side and rear windows of houses already having shutters on the front windows, provided, however, that the ARC has approved their installation in writing after receipt of a written request to erect shutters substantially the same as those on the front windows. Translucent plastic film applied to the glass in small windows for either privacy or sunscreen does not require permission from ARC provided the film is either black or white.

## GARDENS

Fruit trees may be planted provided they are regularly sprayed with insecticide to prevent noxious insects. Vegetable gardens are not allowed in Willbrooke. Certain plants bearing edible produce such as garlic, onions, tomatoes, and peppers may be included in a landscape plan provided that no mechanized plowing or tilling of the land is required for this purpose. Flower gardens must be tastefully designed and regularly maintained.

**YARD WASTE**

Trash piles are not allowed in any location in the Willbrooke community. However, certain accommodations must be made for yard waste. In a letter from the Gwinnett County Police Department dated September 1, 1996, residents were asked to use compost enclosures or compost containers rather than including yard waste in the Duluth garbage bags. The reason for this request is that local landfills are becoming overloaded. The letter stated that 15% of the landfill material is yard waste. Consequently the State legislature has passed a law governing the disposal of leaves, brush, grass clippings, shrub and tree prunings, discarded Christmas trees, and other vegetative materials. The intent of the legislature is that the composted material is to be returned to the soil on your own lot.

**SCREENING**

All compost containers, woodpiles, swimming pool pumps, air conditioning compressors and similar items shall be screened so as to be concealed from view of neighboring streets and property (Declaration, Article VI, Section 15). Willbrooke residents are required to plant ligustrum or other thick shrubs to provide screening for composting enclosures. The area where items are placed under decks is required to be screened also.

**ANTENNAS**

The Willbrooke attorneys will provide Standards for satellite and other antennas at a later date.

**ENFORCEMENT**

The ARC shall have the power to enter any lot in Willbrooke to abate or remove, using such force as may be reasonably necessary, any structure, any item, or any condition which violates the architectural standards given above. All costs, including reasonable attorney's fees actually incurred as a result of the Association exercising its right of abatement shall be assessed against the violating owner and shall constitute a lien on the violating owner's lot as well as a binding personal obligation of the violating owner. The Association may foreclose on the unpaid lien and bid on the property at the foreclosure sale.

The ARC shall give the violating homeowner ten (10) days written notice of its intent to remove the offending structure, material, addition, article, or condition.

The first notice shall be a phone call or a form letter from the management stating that a violation of the Standards has been committed and asking the resident to read the Architectural Standards and make the necessary remediation.

The second notice shall be given ten days after the first. It shall require remediation within thirty days. It may be either a phone call or a letter from the ARC.

The third notice shall be given thirty days after the second. In writing it will state the day removal or remediation is likely to occur. The date given will be ten (10) days after the date of the notice.