

The Hermitage Community Association, Inc.

Architectural Standards, Rules & Design Guidelines

Adopted by
The Hermitage Board of Directors
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Table of Contents

	Page
I. INTRODUCTION	1
Purpose of the Architectural Standards.	1
The Architectural Review Committee	2
Application for Modification Request Process.....	2
Right to Verify Construction in Accordance with Approved Plans.....	4
Violation Notice & Fines	4
Disclaimers	5
II. EXTERIOR STANDARDS	5
Construction	5
Driveways/Walkways	6
Doors/Windows/Shutters	6
Exterior Lighting.....	6
Paint/Siding/Brick/Roof.....	6
Mail Boxes/Street Numbers	7
Decks/Patios/Lattice Work.....	7
Storage Buildings	7
Fences.....	7
Arbors/Swings	8
Doghouses	8
III. LANDSCAPING STANDARDS	9
Developing a Landscaping Plan	9
Lawns	9
Lawn Furnishings	9
Landscape Beds/Trees/Bushes.....	9
Removal of Trees	10
Common Areas	10
IV. RECREATIONAL EQUIPMENT STANDARDS	10
Children Play Sets/Bikes/Toys.....	10
Pools/Spas/Whirlpools.....	11
V. MISCELLANEOUS ITEMS	11
Flags/Flagpoles	11
Common Areas/Signs.....	11

Appendix A Blank Application for Modification

I. INTRODUCTION

Purpose of the Architectural Standards, Rules & Guidelines

One of the primary purposes of the Declaration of Covenants, Conditions and Restrictions for The Hermitage (the "Declaration") is to provide for a method of determining certain architectural standards that will assure each of us that the property within our community will be developed and maintained in a fashion that will protect the investment of every homeowner. One important aspect of maintaining the integrity of a residential community is provided by the Declaration in authorizing the formation and duties of the Architectural Review Committee ("ARC"). The ARC is made up of members who reside in the community and are appointed by your Board of Directors.

The Declaration further states that the Board has the right to promulgate, modify, or delete other use restrictions and rules and regulations applicable to the Community. These guidelines are referred to specifically in the Declaration as the "Design Guidelines & Procedures" and should be considered an extension of the Declaration. This document is not an all-inclusive list of restrictions, but is a set of guidelines to be followed by homeowners when planning landscaping or the construction or alteration of any Structure located on their property. In addition it defines "**Community-Wide Standards**".

The Architectural Standards set forth herein have been developed pursuant to Article V, Section Two (2) – Owner's Responsibility and Article VI, Sections One (1) through Thirty-Four (34) – Use Restrictions and Rules. Their purpose is to publish guidelines related to (I) the use and maintenance of the property within The Hermitage and (II) the construction of improvements (including the alteration of Structures) upon a lot within the community. As guidelines, these standards may not be determinative of whether or not a particular use of one's property is acceptable, or whether or not the plans for a proposed improvement will be approved. Because of the uniqueness of each Lot within the community, including variations in size, topography and location, certain uses, improvements or modifications suitable for one Lot may be inappropriate for another Lot. Therefore, despite the guidelines offered by these Standards, the ARC is authorized to apply or adopt different standards for different Lots to reflect those differences. As an example, the ARC may allow an improvement, modification or change to a Structure which cannot be seen from any street or other Lot within the Community, but prohibits the same improvement if it can be seen from any street or any other Lot.

Our goal is to promote esthetical enjoyment of the community by the residents, while maintaining and improving real estate values.

The Architectural Review Committee

The ARC is made up of members appointed by the Board of Directors as authorized by the Declaration. The Declaration grants the ARC discretionary powers regarding the aesthetic impact of design, construction and development including architectural style, colors, textures, materials, landscaping and overall impact on surrounding properties.

It is not the intent of the ARC neither to impose a uniform appearance within The Hermitage nor to discourage creativity on behalf of the homeowners. Its intent is to promote and assure that all improvements are aesthetically compatible and reflect the "Community-Wide" image of a quality community. During the plan review process, the ARC intends to be fair, impartial and understanding of individual goals.

Application for Modification Request Process

General Information

Homeowners are requested to provide as much detail as possible when submitting an Application for Modification form to the ARC. This will eliminate confusion and reduce the time required to respond to the requesting homeowner. The information should be specific in nature and include such items as types of materials to be used, planned start/completion dates, types and size of plants and actual photographs of swings or arbors, when applicable. With respect to fencing, the type/style, material, height and location should be provided. Start/completion dates should be limited to a 30-day period unless a longer time is requested due to an exceptionally large project.

The ARC will meet at least once each month to review modification requests and conduct homeowner site visits as required. It is our intention that modification change requests will be responded to in writing within 30 days from the day all final documentation has been received. **Please note however, the ARC has sixty (60) days to respond before a request is automatically approved due to non-response.**

Step 1 - Submitting the Modification Form

Homeowners are requested to submit photocopies of all plans and documentation. All submitted plans become the property of the ARC and will not be returned but filed for future references and verification. The Hermitage member should deliver their Request for Modification Form and all necessary documentation, including plans, architectural drawings/photographs, property survey showing improvements and description of materials to:

The Hermitage Community Association, Inc.
c/o Homeowner Management Services, Inc.
PO Box 2458
Alpharetta, GA 30023-2458

Once plans are received, they will be date stamped and reviewed by the Management Company for completeness. If the information is incomplete, you will be notified by the management company or a member of the ARC. If a site-

visit is required, a member of the ARC will notify the homeowner by phone or E-mail of the approximate date and time of the on-site visit. In most cases, the homeowner's participation is not required for the on-site review, but is always welcomed.

Step 2 - On-Site Review Process

The purpose of the on-site review is for the ARC members to assess the impact the request may have to neighbors and the general quality of the Community. The onsite process is usually brief (5-20 minutes) with no or limited homeowner involvement. However, it is recommended that a homeowner be available for questions when complex plans are involved.

Step 3 - Decision Process

Upon completion of the site review, the ARC will make their decision and contact the homeowner directly to explain the decision. The management company will send the official decision letter.

Approved as Submitted - The plan is accepted as documented and the homeowner can begin the requested changes immediately upon obtaining all necessary governmental permits. All work must be done in accordance with the plans as approved by the ARC. *All changes or modifications to plans must be reviewed and approved by the ARC prior to work commencing.*

Conditionally Approved - The plan is approved with specific conditions. The homeowner should review the conditions and if in agreement may commence with the work.

Disapproved - If the homeowner's plan is denied, an explanation will be provided. In many cases, the ARC will recommend one or more alternative solutions. If the homeowner is receptive to one of these solutions, they simply need to resubmit a new form detailing the plan. **No work shall be permitted to commence until member is approved with the proposed alternative plan.**

Returned for Insufficient Information - If an incomplete plan is submitted, the homeowner will be notified and the plan will be returned to the homeowner. No further action will be taken until the required documentation has been received.

Deferred Until - The plan is submitted with minimal information. ARC will notify the homeowner regarding missing items. Deferrals will remain in effect for five (5) days. If a homeowner response is not received, the application will be returned for insufficient information.

Withdrawn - The plan is withdrawn by the homeowner. The application is considered withdrawn, and no work should commence.

ARC's Right to Verify Construction in Accordance with Approved Plans

While under construction or after completion, the ARC does reserve the right to review approved plans to make certain the actual construction adheres to the approved plan.

Violation Notice & Fines

The discretionary powers of the ARC are also coupled with the ability to establish and levy fines and penalties for noncompliance and, with the cooperation of the Board of Directors of the Association, also include the right to perform the maintenance, repair, or replacement of items for which the Owner is responsible in a manner consistent with the community-wide standard and this Declaration. Although not limited to the following, "noncompliance" would include the failure to obtain approval of a new Structure in conformance with approved plans. Homeowners who are in violation of the Declaration and the Standards set forth in this document will be notified in writing of the violation and will be fined \$25.00 per day and/or penalized in accordance with the Declaration. The Board may also opt to exercise its "Right of Abatement" which is a ten (10) day written notice to correct. If member fails to do so, the Association may proceed and have the violation corrected and the costs will be billed to the member.

It is not the intention of the Board or the ARC to fine or charge a member for infractions, but merely a tool for those who are defiant in complying with the Declaration's Use Restrictions and Rules.

First Notice

Issued by Board of Directors or managing agent when violation is first noticed. Written description of violation will be sent via mail to the homeowner requesting noted violation be corrected. Homeowner should correct the violation within ten (10) days. If violation is for a non-approved modification, the homeowner will need to submit a written request for modification to the ARC through the management company for approval. ARC will then review the request and either approve, give suggestion on how to revise request so that it can be approved, or give final disapproval. All correspondence must in writing.

Second Notice

Ten (10) days after first notice has been issued or final disapproval has been issued if approval was requested. Second written letter will be mailed to the member reminding them that they have not taken care of the violation and that they will be fined if the violation is not corrected or approval given by the ARC within five (5) days. Verbiage in letter will give the Association its "Right of Abatement" if violation is not corrected.

Third Notice

After (15) days and after the second notice has been issued, a final certified letter will be sent to the member advising them of the proposed fine and or Right of Abatement to correct the violation. Members will have the right to appeal the fine and request a hearing with the Board of Directors.

Disclaimers

Approval of any Structure by the ARC is in no way a certification that the Structure has been built in accordance with any governmental rules or that the Structure complies with sound building practices. Homeowners are required by law to obtain a building permit for all new construction. *For information on obtaining a building permit in the City of Milton or Fulton County contact: County Planning listed in the blue pages of the telephone book.*

These Architectural Standards set forth herein have not been reviewed for engineering or structural design or quality of materials. In fact, it is very likely that certain standards have been adopted solely on the basis of aesthetic considerations. Therefore, no one should use or rely upon these Architectural Standards as standards for structural integrity or soundness of design for any construction or modification of a Structure or for ensuring compliance of any activity or construction with building codes, zoning regulations and other governmental requirements. These things must be determined by, and are the sole responsibility of, each homeowner within the Community.

Please remember that, like the Architectural Standards, plans and specifications are not reviewed for engineering or structural design or quality materials. By approving such plans and specifications, neither Declarant, the Association, the ARC, the Board, nor the officers, directors, members, employees and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any homeowner of property affected by the Declaration by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications.

It is the sole responsibility of the homeowner to ensure that Structures are safe. Approval of any type of Structure including children's play sets by the ARC in no way guarantees the safety of the individual.

In accordance with the Declaration, every person who submits plans or specifications, and every homeowner, has agreed that they will not bring any action or suit against Declarant, the Association, the ARC, the Board or the officers, directors, members, employees and agents of any of them to recover any such damages.

II. EXTERIOR STANDARDS

Construction

All construction requires the homeowner to complete a Request for Modification Form and a site visit from members of the ARC. The purpose of the visit is to ensure that the construction adheres to ARC community-wide standards and is in harmony with the external design and general quality of the Community.

Driveways/Walkways

Any changes to existing or new hardscapes including, but not limited to, driveways, walkways and patios, require specific approval of the ARC prior to construction. A professional contractor is recommended for all hardscape construction approved by the ARC.

Doors/Windows/Shutters

Any alterations to the exterior of the house including, but not limited to paint color, doors, shutters, trim and exterior siding, must be approved by the ARC. Paint samples must be included with the request form. The ARC may require the homeowner to paint a 3' by 3' sample on the home prior to approval.

All window treatments facing the street must be lined in white to give the Community a common look from the outside. Acceptable types of window treatments may include but are not limited to: white sheers, white blinds, white plantation shutters or white-lined curtains. No vertical blinds may be installed on any window. Vertical blinds are permitted on the sliding patio/deck door only. Any variations must be approved by the ARC prior to being installed. Temporary window coverings will be permitted for no longer than three (3) weeks from move-in date.

Stained glass windows and glass blocks are not permitted in doors or windows that are visible from the street. All requests for lead glass doors or windows should be submitted to the ARC.

Garage doors should be kept closed at all times, except during times of ingress and egress from the garage.

Window Box installation must be pre-approved by the ARC committee. Include a picture of the proposed window box and identify proposed location(s) on a photo /drawing of the house. Only removable window boxes will be approved. Permanent window box additions are not permitted. Window boxes must be planted and maintained at all times. Artificial flowers or vegetation are prohibited in window boxes and in any other exterior planters visible from the street.

Exterior Lighting

All exterior lighting shall be consistent with the character established within The Hermitage and be limited to the minimum necessary for safety, identification and decoration. Front yard landscaping lighting is recommended, and pathway, both low voltage and solar, should be limited. The ARC must approve all additional exterior lighting or replacement of exterior lighting, including landscape lighting and pathway lighting. All fixtures, bulbs and lenses must be maintained at all times.

Paint/Siding/Brick/Roof

Exterior paint and trim must be maintained in good condition and painted or pressure washed when needed. All alterations to the exterior color of the house including, but not limited to, doors, shutters, trim, brick and siding must be approved by the ARC.

New roofs should follow the same style and color standard originally installed by the Builder. The roof should include at least a 20-year shingle warranty and the ARC must approve all exceptions. Roof style should be Architectural style tab shingles.

Mail Boxes/Street Numbers

All mailboxes should follow one common design. The mailbox shall include only the house number and be located as prescribed by the United States Postal Service. Homeowners must keep mailboxes maintained, which includes repainting when faded.

Street numbers or surnames are not permitted on the curb or posted on any part of the house.

Decks/Patios/Lattice Work

All decks should be made of cedar, pressure-treated pine, or other composite material, be located on the back of the house, and not extend out past the sides of the house. The ARC must approve any variance from this standard.

All plans to build new or expand existing decks, patios and latticework must be submitted to the ARC for approval. Also, homeowners are encouraged to submit a landscaping plan to address areas under and around the deck.

All decks and latticework must be treated with a weather sealant within 6 months of installation and applied every two years to deter aging and for preventative maintenance. For a consistent look in the community, only the following color and products are suggested: Behr Deck/Fencing/Siding Wood Stain in semi-transparent "natural cedar" or Olympic Deck/Fence/Siding Wood Stain semi-transparent "natural cedar". These products can be found at Home Depot or Lowe's. Any other product must be submitted to the ARC for approval.

Storage Buildings

Storage areas of any type require the approval of the ARC and should be submitted with a specific landscaping plan to shield as much of the storage area as possible. Prefabricated and/or stand-alone storage facilities are prohibited. Attached storage structures will require the approval of the ARC. Consideration of any such attached structure will require detailed plans and specifications to be submitted to the ARC for review.

Fences

In general, fences are not encouraged within The Hermitage. Hedges, berms or other landscaping alternatives are preferred. Invisible electrical fences for dogs are pre-approved.

Fences are permitted in the rear yard only, beginning at the rear corners, and require the homeowner to submit a detailed plan to the ARC for approval. Submissions should include a complete description of the fence, materials and a site plan showing the fence

location in relationship to property lines. When submitting a request for a new fence, homeowners are encouraged to also include a landscaping plan that screens as much of the fence from neighbors view as possible.

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

- Privacy & picket fences with convex scalloped top
- Six foot (6') maximum height
- Support rails must be located inside the homeowner's property so the finished side faces the exterior of the lot.
- Weather sealant must be applied within 6 months of installation and applied every two years to deter aging and for preventative maintenance. For a consistent look in the community, only the following color and products are suggested for use: Behr Deck/Fencing/Siding Wood Stain in **semi-transparent** "natural cedar" or Olympic Deck/Fence/Siding Wood Stain **semi-transparent** "natural cedar". These products can be found at Home Depot or Lowe's. Any other product must be submitted to the ARC for approval.

The size, location and design of these fences must be specifically outlined in a detailed plan which will be carefully reviewed by the ARC and approved only if the plan fits within the guidelines set forth herein and is consistent with the general appearance of the neighborhood.

Arbors/Swings/Trellises

Arbors, swings and trellises are permitted in rear yard only and must be located directly behind the home where it will have minimum impact on adjacent properties and streets. Homeowners are encouraged to include a landscaping plan to minimize the neighboring view. Weather sealant must be applied within 6 months of installation and applied every two years to deter aging and for preventative maintenance. For a consistent look in the community, only the following color and products are suggested for use: Behr Deck/Fencing/Siding Wood Stain in **semi-transparent** "natural cedar" or Olympic Deck/Fence/Siding Wood Stain **semi-transparent** "natural cedar". These products can be found at Home Depot or Lowe's. Any other product must be submitted to the ARC for approval.

Doghouses

The ARC must approve all doghouses. Homeowners must submit detailed plans including site layout, material type, color, and landscaping plan. Emphasis will be placed on the consideration of views of the doghouse from adjacent properties and the street. Doghouses will be permitted only in the rear yard and must be completely fenced in. Doghouses must be located close to the house to provide minimum visual impact. Exterior colors must relate to the exterior of the house or be of neutral colors.

III. LANDSCAPING STANDARDS

Developing a Landscaping Plan

Homeowners are encouraged to develop a long-range (3-9 months) landscaping plan to be reviewed by the ARC. Many professional landscaping companies provide landscaping planning services for a reasonable fee. Professional assistance is encouraged to assist in reducing plant loss. The landscaping plan should be detailed and include such items as plant type, size, quantity, estimated time to complete project and the physical location of each plant. While many landscaping plans can be all encompassing, please limit modification requests to work that can be completed in three months.

Lawns

All front lawns shall be Bermuda or Zoysia sod to ensure consistency in the Community. Side and rear yards may be either sod, or seeded with one of three types: Bermuda, Fescue, or Zoysia. Lawns shall be maintained in a neat and orderly condition by the homeowner, which shall include removal of leaves, broken limbs, dead trees and shrubs and other debris as necessary. The lawn must be regularly cut. Grass must not exceed 3" in height and be maintained with no noticeable weed problem. Each homeowner shall maintain all landscaping located on the lot on a regular basis. This shall include but not be limited to routine mowing of grass, seeding, watering, removal/edging of grass runners from curbs, sidewalks, driveways and landscape beds. Frequency of violation notices will be shorter than (30) days shown in the Violation Notice & Fines section of this document.

Lawn Furnishings

All lawn furnishings and structures, including but not limited to benches, bird baths, bird houses, rock gardens or similar types of accessories, must be approved by the ARC prior to installation. Most lawn furnishings are suggested for the rear yard only.

Landscape Beds/Trees/Bushes

All new or expansion of existing islands or beds require a landscaping plan to be submitted for approval. No landscaping plan is required to plant existing islands or beds. Tree islands should be maintained regularly with fresh pine straw and edging.

Landscaping should relate to the existing terrain and natural features of the Lot, utilizing plant materials native to the Southeastern United States.

The preferred landscape bed edging is either a neat 4" - 6" deep trench or natural living plant life. Flowerbed and tree bed edgings or landscape borders should be from a natural material such as pine straw or mulch. Concrete, metal and other man-made edging is not recommended. Flower/tree bed borders that are visible from the street must be one design style and color and must be continuous. Borders are to be confined to existing flowerbeds and tree beds only. Borders must be materials originally intended for use as flowerbed borders or edgings. Building construction materials, such as bricks and drainage rock, are not to be used unless approved by the ARC.

All plant beds in the front of the house will be covered with pine straw, natural chopped bark or mulch. Pine straw/mulch must be replenished as needed to cover bare earth/red clay and/or decomposed pine straw/mulch. Homeowners with large natural areas are exempt from this rule; however, natural areas must be maintained in a fashion as not to be unsightly or unkempt. Pea gravel or river rock may be used in lieu of the above natural materials in existing plant beds for drainage purposes. When using pea gravel or river rock, it must be pre-approved by the ARC and it must be contained within an approved border. Weeds and dead plant material must be removed regularly. All trees, hedges and shrubbery also require routine pruning and trimming so as not to become unsightly and unkempt in nature.

Landscaping/retaining walls require ARC approval.

Removal of Trees

No tree with a diameter greater than 4" (measured 2' from the ground) may be removed without written permission from the ARC. The removal of live branches higher than 8' above the ground also requires ARC written approval. Tree removal area must be replaced with another tree of similar size or sod.

No trees shall be removed from any stream buffer or common areas.

Common Areas

Improvements made by a homeowner to a common area adjacent to that homeowner's property will be considered for approval by the ARC. A landscaping plan must first be submitted to the ARC for approval. The plan should be detailed and include such items as plant type, size, quantity, estimated time to complete project and the physical location of each plant. Improvements may include plantings only. That homeowner at his/her own expense must maintain any and all approved improvements made to a common area. No structures will be permitted. All other homeowners whose lots touch the proposed common area must approve the plan PRIOR to submission to the ARC.

IV. RECREATIONAL EQUIPMENT STANDARDS

Children Play Sets/Bikes/Toys

Children's play equipment, play sets, sports nets, etc. must be located directly behind the home where they will have minimum visual impact on adjacent properties and streets. All play set equipment must be approved by the ARC. No metal swing sets will be permitted. Baseball, soccer or other types of nets may be located in or on a driveway when in use but must be removed and out of public view when not in use.

All children's bikes and toys shall be placed out of public view when not in use to have minimum impact on neighbors and adjacent properties.

Any permanent basketball goals must be approved by the ARC and must be located in the rear of the driveway where it will have minimal visual impact on the community. Mobile basketball goals are permitted and should be stored out of public view when not in use. Only one basketball goal may be placed on the property at any given time. Nets, poles and backboards must be maintained at all times.

Pools/Spas/Whirlpools

Permanent aboveground pools of any type are not permitted. All in-ground pools, spas or whirlpools must be approved by the ARC. Homeowners must submit a detailed plan including site layout, fencing and landscaping to obtain approval. Spas and whirlpools are permitted, but must fit naturally into the topography of the proposed Lot. The spa/whirlpool must also be located to provide minimum visual impact to the surrounding properties and streets. Pool enclosure requests must be approved at the time of the pool submission.

V. MISCELLANEOUS ITEMS

Flags/Flagpoles

Flags must be approved for location, size, mounting and aesthetic appeal. As a guideline, flags once approved by the ARC may be attached to the home or deck with professional mountings and must be maintained in new condition at all times. Stand-alone flagpoles are not permitted.

Common Areas/Signs

No temporary sign is permitted in any common ground area for a period greater than 24 hours and must be approved by the ARC prior to installation. The ARC must approve any permanent sign placed on common ground. Open house signs are permitted to be displayed for the upcoming weekend and must not be displayed until the Friday prior and must be removed before 9:00 p.m. on Sunday.

Appendix A
ARC Application for Modification(s)

The Hermitage - Milton, Georgia