

Lee's Crossing Homes Association, Inc.

Architectural Controls and Community Guidelines

Revised: April 20, 2018

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ARCHITECTURAL CONTROLS & COMMUNITY GUIDELINES

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**What are Architectural Control Committee (“ACC”) Standards?**

The ACC standards are created to enhance and clarify the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Lee’s Crossing (hereafter referred to as “Covenants”). These standards and use restrictions provide the basis for a common understanding of the design objectives and standards by all those involved in creating this neighborhood and most importantly by current and future residents. If a conflict exists between the standards and the Covenants, the Covenants will control. Likewise, should a conflict exist between the standards or the Covenants and the Official Code of Georgia, the Official Code of Georgia will prevail.

The Covenants “run with the land” and pass automatically with any title transfer to a new homeowner or occupant. The existing homeowner should make all reasonable efforts to make the new homeowner or lessor aware of the Covenants and ACC standards. If the property is leased, the homeowner must provide the Homes Association with the name and address of the lessor and lessee.

**The Change Request Process**

ACC approvals are not to be in any way construed as a statement as to the viability of or adherence to governmental ordinances or codes of any proposed modification. ACC approvals are in no way to be construed as a guarantee that the approved project is in any way fit for its intended purpose, or meets safety standards. ACC approvals are based entirely on the anticipated aesthetic appearance of the project and potential adverse impact to the remainder of the subdivision based on the submitted specifications. Improvements made to any lot or dwelling must be done in a professional manner consistent with the overall subdivision.

A change request must be made when a homeowner wishes to make an alteration or improvement to their property. Examples are repainting, building a fence, significant landscape changes, etc. The vast majority of change requests are approved either by the property manager and/or ACC Chairperson.

A change request is submitted in writing on our standard form to the property manager. The form can be obtained from the property manager or the ACC chairperson, and will also be included with the newsletter periodically.

If the change request is approved, the homeowner is notified in writing by mail and the process ends. If the change request is generally acceptable, but the property manager feels there are minor details to work out, he will contact the homeowner and attempt to do so.

If the property manager does not approve the change request, the homeowner is notified in writing.

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If a change requested is not approved, a homeowner may appeal in writing to the property manager. The property manager will notify the ACC chairperson, who arranges a meeting time with the homeowner and the Board. If the Board agrees with the property manager, the change request is denied. If they agree with the homeowner, approval is given and the property manager is notified.

An approval may not be granted for any use expressly prohibited by the Covenants.

**Violations**

A violation occurs when the homeowner is not in compliance with at least one item in the Architectural Controls and Community Guidelines or in the Covenants. Such violations are ordinarily discovered during the regular inspections by the property manager. Homeowners may also report violations directly to the Association or the property manager. The Association and the property manager shall make reasonable efforts to avoid disclosing that a violation was discovered via homeowner report.

**Initial Contact**

Except when it is necessary to stop unauthorized construction or other substantial violations in progress, the property manager will mail a “Friendly Request” letter to the homeowner stating the violation. The letter will request that the homeowner correct any violations and contact the property manager to discuss the problem and that the property manager will be following up in 15 days.

**Violation Corrected**

Whether or not the homeowner contacts the property manager, if the homeowner corrects the problem within 15 days of receipt of the Friendly Request letter, the process ends.

**Extension of Time Needed to Correct Violation**

If the homeowner does not correct the violation within 15 days of the Friendly Request, the property manager will send a “Violation” letter to the homeowner by certified mail stating the violation, the required corrective action, the time to complete (15 days), the Association’s right to fine, and the Homeowners right to appeal with 10 days. If the homeowner cannot complete the corrective action within 15 days, the homeowner may request an extension in writing. The property manager may approve any reasonable request for extension. A letter approving an extension will be sent by the property manager and the property manager will then follow up on the extension deadline. If the homeowner does not complete corrective action within the specified deadline, the property manager will send a certified “Fine” letter initiating fines against the owner until all corrective action is completed. The owner must notify the property manager when corrective actions are completed.

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**Homeowner Disputes Violation**

The homeowner may dispute the violation after receiving the Friendly Request letter or the Violation letter. Disputes must be in writing and delivered to the property manager. Reasons for disputing the violation include a) whether the violation exists at all, b) an alternative remedy for the violation (e.g. pressure washing instead of painting), or c) the amount of time to correct the violation. The property manager may approve all reasonable requests for alternative corrective action. The property manager will then follow up on correction, and the Fine letter procedure specified above will be followed. If an agreement cannot be reached with the property manager, the homeowner may request a Board hearing.

**No Response from Homeowner**

If the homeowner does not correct the violation, request an extension or file an appeal to the Violation letter within 15 days, a Fine letter will be sent certified mail stating that there has been prior notification of violation, that no corrective action has been taken, and that fines are being imposed until correction is complete.

**Fines**

The fine for all continuing violations is \$25 per day. Fines for single-occurrence violations (such as vandalism of common property) shall be in an amount determined to be reasonable by the Board. If a violation continues and fines accrue totaling \$750, the matter will be turned over to the Association's attorneys. If the homeowner corrects the problem before the matter is turned over to the Association attorney, the fines will be waived and the process ends.

After the matter is turned over to the Association attorney, contact will be between the homeowner (or his attorney) and the Association's attorney. The fines will continue to accrue until the problem is corrected. The attorney will be instructed not only to sue for the fine amount but also to have the problem corrected.

**Appeals**

A request for a Board hearing can be made at any time until 10 days after the receipt of the fine letter. All requests for a Board hearing must be made in writing to the property manager. In order to be consistent with all homeowners, appeals will only be heard by Board members at executive session at a Board hearing. The property manager will forward the request to the ACC chairperson, who will then arrange a meeting time with the other Board members and the homeowner. If the Board agrees with the homeowner at the hearing, they will notify the property manager and the process ends. If the Board agrees with the property manager, the homeowner is given an amount of time to correct the problem, and this information is passed back to the property manager. If the problem is corrected in that time,

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the process ends and there is no fine. If the problem still exists at the end of that time, a Fine letter is sent and fines will begin to accrue at that point. No homeowner who timely requests a hearing will be asked to pay any fines until they have had a reasonable amount of time to correct a problem after the hearing.

### **Things That Normally Do Not Require Approvals**

#### **Gardens**

There is no approval necessary to plant or maintain an appropriate, live flower or vegetable garden in the backyard as long as its use is only for the homeowner and not commercial in nature. Vegetable gardens will not be approved in front yards.

Landscaping should relate to the existing terrain and natural features of the Lot, utilizing plant materials native to the Southeastern United States. The amount and character of the landscaping must conform to the precedent set in the surrounding neighborhood. The preferred landscape bed edging is a neat 4" - 6" deep trench. Other edging, if used, should be flush with the ground. Edging material, visible above grade, should be continuous and rigid in appearance. All mulched landscape beds should be covered with natural pine straw or mulch and should be maintained to be free of overgrown weeds.

Landscape benches and sculpture must fit naturally into the topography of the Lot and located to provide minimal visual impact to surrounding properties and streets.

#### **Improvements within Dwellings**

Improvements within dwellings, other than modifications or alterations of windows or doors, are solely the discretion of the homeowner and approvals are not necessary, except that signs, whether lighted or not, flags, paintings, curtains with loud patterns or colors when viewed from the outside, etc. may not be placed on the inside face of windows or doors so as to be obviously visible from the street.

#### **Repainting of exterior of home with no changes to color or hues from existing scheme.**

No approval is required for repainting in the existing colors, unless the Owner has previously been given notice that the existing colors must be changed to a new approved color when repainting is required.

### **Things That Do Require Approvals**

#### **Additional Structures**

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Management Company approval of the location, design, building materials, dimensions, and landscaping is required prior to construction of any such building or structure. The following standards will be followed.

**Storage, garden sheds or any other outbuildings:**

are small buildings (the footprint may not exceed 12' x 14') designed to hold household gardening equipment, bicycles, patio furniture, etc.

must reside completely within your property boundaries

must be a permanent structure

must have a permanent foundation (i.e. concrete slab, footer, cement blocks)

must be located in the back 25% of the lot, hidden as much as possible from view from the street

must have a shingled roof coordinated with the color and appearance of the shingles on your home, except that the Board, in its discretion, may approve standing seam, color coordinated metal roofing. Silver or tin color metal roofs are not allowed

must have a hip or gable style roof – single slope or shed style roofs are not allowed, except for porches.

must have siding materials which match the construction and appearance of the home (lap siding is permissible if the home is brick or stucco)

may require the planting of small shrubs (i.e. holly's) around the perimeter

that are prefabricated metal or vinyl (sides and/or roofs) are not permitted on any lot

colors must either match the colors of the home or be complimentary and be approved by the Management Company.

**Antennas and Satellite Dishes**

No transmission antenna, of any kind, may be erected anywhere on a lot. No direct broadcast satellite (DBS) antenna or multi-channel multi-point distribution service (MMDS) larger than one meter in diameter shall be placed, allowed, or maintained upon any lot except with Association approval. DBS and MMDS antennas one meter or less in diameter and television broadcast service antennas may be installed without prior Association approval, but only in the least conspicuous location available on the lot which permits reception of an acceptable signal. When reasonably feasible, installations shall be

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inconspicuous from the street and to neighboring properties. Masts shall be used only when required for an acceptable signal, and shall not exceed 12' in height without Association approval. Wires serving antennas and satellite dishes shall be concealed to the greatest extent reasonably possible. The Association may require reasonable screening and painting of antennas, satellite dishes and components.

**Basketball Goals**

Backboards should be placed in such a manner for the least possible interference to the neighboring property. The backboard should also be placed in a position to minimize its visibility from the street; i.e. perpendicular to the street and near the front line of the home is preferable. Backboards must be mounted on a pole (not, for example, on the siding on the home). Poles and backboards must receive adequate maintenance for eye appeal.

**Driveways and Sidewalks**

Any modification to a driveway or sidewalk must have Management company approval. Driveways, sidewalks and parking pads must be of a hard surface – gravel will not be approved. Parking pads in front yards may not be between the perpendicular sightlines extending from the home to the street). Notwithstanding the above, the Board may approve parking pads between the perpendicular sightlines extending from the home to the street for homes that are L shaped. Parking pads near to or contiguous to the street will not be approved.

**Exterior Changes, Major**

Nearly any conceivable major modifications to the exterior of the main dwelling must have Management company approval. The list of modifications includes but is not limited to awnings, canopies, patios, and decks.

Decks must be constructed of natural colored wood unless a variance is requested and approved. Any change or additions to the structures on the lot must be consistent with the materials used in the main dwelling, but not limited to trim, siding and roofing materials, doors and color.

Vinyl siding may be permitted on dwellings at the Property if approved in advance by the ACC.

No house, garage, playhouse, outbuilding, fence, wall or any other aboveground structure, or shrubs, flowers, or other vegetation which obstruct horizontal sight lines at elevations between two (2) and six (6) feet above the street shall be erected, placed, planted, or permitted to remain on any portion of any corner Lot within such Lot and the right-of-way and a line connecting said common boundaries at points thirty (30) feet from the intersection of said common boundaries. In the case of any rounded

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corner Lot, the thirty- (30) feet shall be measured from the point formed by the intersection of said common boundaries as extended. The same sight line limitations shall apply to the area of every Lot within a ten (10) foot radius emanating from the intersection of any boundary line of any Lot with the edge of a driveway way pavement. Trees may be planted and maintained within any of such areas in the foliage line if maintained at a sufficient height to prevent obstruction of such sight lines.

**Exterior Changes, Minor**

Nearly any conceivable minor modifications to the exterior of the main dwelling must have Management company approval. The list of modifications includes but is not limited to changing colors to siding, trim and/or shutters. If in doubt, request approval.

The design standard we wish to maintain is to have colors that are typically found on traditional, colonial style homes. Muted tones and hues consistent with other homes already in Lee's Crossing will normally be approved.

**Fences**

The location, construction, material, design and color of all fencing material shall require the prior approval of the ACC. The finished side of all fences must face the exterior of the lot. No chain link fencing, including colored chain fabric material, is permitted on any lot. Fences can be a maximum height of six feet, except that the Board, at its discretion, may approve a height of up to 8' for a privacy fence for a back yard with a pool where the topography of the surrounding lots does not afford reasonable privacy otherwise. No walls or fences shall be erected or maintained on any Lot nearer to the street front than the front building line as set forth and as may be shown on the Plat

**Flags**

The American flag and appropriate decorative flags (pineapple flag, university flag, etc.) may be displayed on a staff extending from the garage, the front stoop, or the rear of the house contiguous to a backyard deck or patio. Additionally, an American flag may be displayed on a staff extending from the mailbox post. All flags displayed shall be properly maintained, be neat and attractive in appearance, and shall be of appropriate size not to exceed six square feet in area.

**Garage Sales**

Garage sales should not last more than two days and each residence shall have no more than three sales per year.

**Landscaping, Major**

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Major landscaping plans that call for the use of heavy equipment to change the grade of the lot require Management company approval. Changes in grade must not adversely affect drainage to neighboring lots. Specific diagrams and details must accompany requests for major landscaping changes.

Healthy hardwood trees measuring six (6)" or more in diameter at a point two (2) feet above ground level, flowering trees, shrubs or evergreens (excluding pine trees) may not be removed, radically pruned or trimmed on any Lot without prior approval of the ACC, unless they are located within ten (10) feet of the primary dwelling. Although it is permissible and advisable to remove diseased, damaged and dead trees without approval, it would be advisable to discuss the removal of such trees with immediate neighbors to prevent misunderstandings. Additionally, pictures must be provided to the Association to verify that any removed trees were dead, damaged or diseased, and the Association may require that any such dead, damaged or diseased trees be replaced with other trees or landscaping.

The design, construction, and installation of all decorative planting islands, vegetable gardens, and rock gardens must receive prior approval of the ACC. The design, construction, and installation of all large structures, statuary, fountains, and other similar decorative items which are visible from any street or side yard must receive prior approval of the ACC.

#### **Mailboxes and posts**

All mailboxes must be black and of a style approved by the ACC and consistent with generally accepted standards in the surrounding neighborhood. All mailbox posts and plaques must be of a style and color (Plantation White) approved by the ACC and consistent with generally accepted standards in the surrounding neighborhood. Replacement mailbox posts and number plaques are available through the Association at no charge to the homeowner (contact any Board member for details). Only one mailbox per lot is permitted.

#### **Playhouses, Recreational and Playground Equipment**

All recreational and playground equipment must have size, location and construction materials approved by the ACC. Except for basketball goals, such equipment may not be kept outside the house, in front of the rear lines of the home, except on a temporary basis.

Playhouses must be located in the backyard where they will have minimum visual impact on the surrounding properties (preferably not placed within ten (10) feet of any property line or easement). If the playhouse is not generally recognized as a toy (i.e. Little Tykes, Fisher Price, Step 2, etc.) it should be made of either lapped siding or the same materials as used in the main dwelling. Roofing must be shingles and the color should be complimentary to the main dwelling.

Play equipment should be maintained in appearance as to not pose a nuisance to neighbors.

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No tree houses are permitted on any lot.

**Recreational Courts**

Management company approval is required for construction of any permanent court including, but not limited to tennis, volleyball, and/or basketball.

**Signs**

No signs, advertising posters or billboards of any kind (with exceptions being given for legal proceedings), shall be erected, placed, or permitted to remain on the Property without Management company approval. Additional exceptions are for: one professional security sign in one ground floor window or door of a dwelling, not to exceed eighteen (18") square inches in size; one weather-resistant, professionally lettered "For Rent" or "For Sale" sign not to exceed two (2') feet by two (2') feet in size, on a Lot being offered for sale or for lease; one weatherproof, professionally lettered political sign supporting a candidate for election. Campaign signs may not be displayed more than thirty (30) days prior to Election Day, cannot exceed two feet by two feet in size and must be removed within twenty-four (24) hours after Election Day. The Board shall have the right to erect reasonable and appropriate signs on behalf of the Association.

**Swimming Pools**

Must be below ground and ACC approved with proper city and county permits required. Application must be accompanied by specific plans for the pool and required fencing. Pool and equipment houses will be evaluated on an individual basis. If approved, such housing must be consistent in material with the main dwelling including but not limited to siding trim, color and roofing. Pumps and pool equipment must remain inside required fencing. Permanent above ground swimming pools are not permitted. Hot tubs and spas located outside of residence must have Management company approval for location. ACC approval is for aesthetic reasons only.

**Trampolines**

Are permitted if located in the rear yard so as to minimize the view from the street.

**Yard Art**

All yard art including but not limited to fountains, wagon wheels, ponds, statues, windmills, animals, and other wildlife structures are subject to Management company approval and will be examined on an individual basis. Exceptions are holiday decorations or new baby decorations that are displayed for an appropriate length of time and are appropriate in nature.

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**Additional ACC Standards**

All exposed metal roof flashing, stack vents, attic ventilators, and metal chimney caps on a Lot must be located on the rear side of the house's roof and may be installed only with Management company approval of installation, type, location and color. Rain gutters and down spouts are required and must be installed with Management company approval for installation, materials, and location. Color of gutters and down spouts must be consistent with the color scheme of the house.

All outside air-conditioning compressors, window unit air conditioners, meter boxes and similar items shall be visually screened from any street and may not be located on the front side of any house.

**Trash Cans**

All containers for garbage and other refuse shall be visually screened from any street or side yard view.

All rubbish, trash, and garbage shall be regularly removed from the Lot and shall not be allowed to accumulate therein. No garbage or trash shall be placed on the Common Property, temporarily or otherwise, except as provided herein. Rubbish, trash, and garbage shall be disposed of in sealed plastic bags and placed in proper receptacles designated by the Board for collection or shall be removed from the Property.

Trash cans, rubbish and vegetative waste shall not be placed curbside more than twenty-four hours in advance of the expected pickup.

**Dog Houses**

Doghouse exterior colors and materials must relate to the exterior of the house, be screened from any street, and be discreetly located so as not to cause a nuisance to neighbors.

**Wells**

Wells for water may be approved if located behind the front line of the home. The well head and equipment must be appropriately screened from the view of the street and neighboring property.

**Things that will not be approved**

Carports

Clotheslines

Permanent above ground swimming pools

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Chain link fences -this includes vinyl or plastic colored chain fabric material.

Metal, plastic or any non- shingle roofing for the home, except that the Board, in its discretion, may approve standing seam, color coordinated, metal roofing for porches.

Septic tanks, exposed above ground storage tanks – except a small propane tank for a grill or smoker and except for small rain-barrels to collect water from downspouts.

Trailers, boats, campers, RV's and/or commercial vehicles parked other than in a garage, except that small utility trailers may be parked under a rear deck.

Any vehicles parked in yards.

**General Use Restrictions Applicable to All Lots**

Restrictions regarding the use of Lots and the Common Property are as follows and also as may be adopted by the Board in accordance with the terms hereof and as specified in the Bylaws.

**Artificial Plants:**

Artificial plants may be used temporarily as part of holiday decorations such as wreaths. During the cold season, artificial plants may also be used as a temporary replacement for annuals in window boxes, planters or other similar decorative containers adjacent to the house, so long as the plants are small and are not obviously artificial in appearance. Artificial plants, including artificial grass, will not otherwise be approved.

**Parking:**

**Common Property Parking:**

Owners and invited guests may park in designated area at the recreational facility when using the facility. Written permission from the Board is required for guests to park overnight or for Owners to park more than 24 consecutive hours.

Other restrictions regarding recreational vehicles, trailers, boats, commercial vehicles, disabled or inoperable vehicles are the same as indicated under "Parking in Owner's Lot".

**Parking in Owner's lot:**

No Owner or Occupant may keep or bring onto the Lot more than a reasonable number of vehicles at any time, as determined by the Board. Vehicles may be parked only in garages, on driveways, or on designated paved or concrete parking areas or other areas authorized in writing by the Board.

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Disabled and stored vehicles are prohibited from being parked on the Lot, except in garages. For purposes hereof, a vehicle shall be considered “disabled” if it does not have a current license tag or is obviously inoperable. A vehicle shall be considered “stored” if it is not currently being operated and remains on the Property outside of a garage for fourteen (14) consecutive days or longer without prior written Board permission.

Boats, trailers, trucks (including pickup trucks with a load capacity in excess of ½ ton), full-size vans (excluding mini-vans or utility vehicles used as passenger vehicles), recreational vehicles (RV’s and motor homes), vehicles used primarily for commercial purposes, and vehicles with commercial writings on their exteriors are also prohibited from being parked on a Lot except in garages or other areas designated or approved by the Board as parking areas for particular types of vehicles.

Notwithstanding the above, trucks, vans and commercial vehicles shall be allowed temporarily on a Lot during normal business hours for the purpose of serving any Lot. Without written Board consent, no such vehicle shall be authorized to remain on the Property overnight outside of a garage.

If any vehicle is parked on any Lot or the Common Property in violation of this subparagraph or in violation of the Association’s rules, the Board may place a notice on the vehicle specifying the nature of the violation and stating that after forty-eight (48) hours the vehicle may be towed. The notice shall include the name and telephone number of a person to contact regarding the alleged violation. A notice also shall be conspicuously placed at the Property stating the name and telephone number of the entity that will do the towing. If forty-eight (48) hours after such notice is placed on the vehicle the violation continues or thereafter occurs again within six (6) months of such notice, the vehicle may be towed in accordance with the notice, without further notice to the Owner or user of the vehicle.

If a vehicle is parked in a fire lane, is blocking another vehicle or access to another Owner’s or Occupant’s Lot or dwelling, is obstructing the flow of traffic, is parked in any grassy area, or otherwise creates a hazardous condition, no notice shall be required and the vehicle may be towed immediately. If a vehicle is towed in accordance with this subparagraph, neither the Association nor any officer or agent of the Association shall be liable to any person for any claim of damage as a result of the towing activity. The Association’s right to tow is in addition to, and not in limitation of all other rights of the Association, including the right to assess fines. The Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow.

**Neglect of Lot and Exterior Maintenance**

The exterior of the main dwelling and all structures, including mailboxes and mailbox posts, shall be properly maintained in a neat and attractive condition in keeping with the general overall standard common in the neighborhood. Such maintenance shall include, but shall not be limited to, attending to peeling paint, mildew problems, replacement of damaged or missing siding, repainting, staining,

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repairing, replacing, and caring for shutters, roofs, gutters, down spouts, building surfaces, windows, doors, etc. Damaged gutters must be repaired or replaced – removal without replacement will not be approved.

Maintaining and caring for the grounds of each Lot (whether improved or unimproved), including, but not limited to, trees, shrubs, grass and walks shall be performed on a routine basis. Lawns are to be seeded, watered, and mowed on a regular basis so that they do not detract from the overall appearance of the neighborhood. Lawns are to be edged on a regular basis where the lawn meets the driveway, sidewalk, or street. Front lawns may not be “natural” but must consist of grass and neatly defined, weeded, and mulched beds.

Trees, hedges, and shrubbery throughout the lot should be pruned so as to maintain an attractive appearance of the lot and home. Foundation plants on the front side of homes should be pruned so as to frame the doors and windows of the home – not to obscure. Foundation plants and plants in window boxes should ideally not obscure any part of front windows or doors but at a minimum, such plants should be pruned so as not to block front doors or the upper 2/3rds of the front windows when viewed from the street. Plantings around mailboxes must be neatly maintained and must be pruned so that the box and the number placard are easily visible.

Dead or diseased shrubs and trees must be promptly removed so they are not obstructive of a view by motorists or street traffic or detract from the aesthetics of the neighborhood. Foundation plants in the front of the home are required and dead or dying foundation plants should be promptly replaced. Front foundation plants that are too overgrown as to be effectively pruned, in the judgment of the property manager, may be required to be replaced.

Severe erosion or the sinking of ground that creates an unsightly and / or dangerous condition shall be promptly corrected by the Owner including, but not limited to, the utilization of fill dirt, landscaping and grading so as to correct said conditions and minimize re-occurrence.

**Unsightly or Unkempt Conditions**

The pursuit of hobbies or other activities, including, but not limited to the assembly and disassembly of motor vehicles and other mechanical devices, which might tend to cause disorderly, unsightly, or unkempt conditions, shall not be pursued or undertaken on any part of the Property, except in a garage. Clothing, bedding, rugs, mops, appliances, indoor furniture, and other household items shall not be placed or stored outside the dwelling. Only appropriate outdoor items, such as neatly stacked firewood, patio furniture, grills, and bicycles may be kept outside of a dwelling on the Lot and must be behind the rear lines of the home. Firewood shall not exceed 1 ½ cords in volume.

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**Abandoned Personal Property**

Personal property, other than that authorized elsewhere herein, is prohibited from being stored, kept, or allowed to remain for a period of more than twenty-four (24) hours upon any portion of the Property outside of a dwelling on a Lot without prior written Board permission.

If the Board, in its sole discretion, determines that property is kept, stored, or allowed to remain on the Property in violation hereof, then the Board may remove and either discard or store the property in a location which the Board may determine, after placing a notice on the personal property and/or on the front door of the Lot of the owner of such property, if known, specifying the nature of the violation and stating that after two (2) days the property may be removed and either discarded or stored. The notice shall include the name and telephone number of the person or entity that will remove the property and the name and telephone number of a person to contact regarding the alleged violation.

In addition, the Board, in its discretion, may determine that an emergency situation exists, and the personal property abandoned or stored in violation hereof may, without prior notice to its owner or user, be removed by the Board and either discarded or stored in a location determined by the Board; provided, however, the Board shall give the owner, if known, notice of the property's removal and location within three (3) days after the removal. If personal property is removed in accordance herewith, neither the Association nor any officer or agent thereof shall be liable to any person for any claim of damage resulting from the removal. Notwithstanding anything to the contrary herein, the Board may elect to impose fines or use other available sanctions, rather than exercise its authority to remove abandoned or improperly stored personal property.

**Prohibition of Damage, Nuisance and Noise**

Without prior written Board consent, nothing shall be done or kept on the Common Property or any part thereof which would increase the rate of insurance on the Common Property, which would be in violation of any statute, rule, ordinance, regulation, permit or other validly imposed requirements of any governmental body, or which would increase the Common Expenses.

Noxious, destructive or offensive activity shall not be carried on upon the Property. Each Owner shall refrain from any act or use of his or her Lot that could reasonably cause embarrassment, discomfort, nuisance or annoyance to other Owners or Occupants. No Owner or Occupant of a Lot may use or allow the use of the Lot or any portion of the Property in any way or for any purpose which may endanger the health or unreasonably annoy or disturb other Owners or Occupants of a portion of the Property, or in such a way as to constitute, in the Board's sole opinion, a nuisance. Nothing herein, however, shall be construed to affect the rights of an aggrieved Owner to proceed individually for relief from interference with his or her property or personal rights.

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No damage to or waste of the Common Property, or any part thereof, or of the exterior of any building constructed upon any Lot shall be permitted by any Owner or member of his or her family or any invitee of any Owner. Each Owner shall indemnify and hold the Association and the other Owners harmless against all loss to the Association or other Owners resulting from any such damage or waste caused by such Owner, members of his or her family, guests, invitees, or Occupants of his or her Lot.

**Miscellaneous Information**

Each Owner of a Lot shall be responsible for ensuring that the Owner's family, guests, tenants and Occupants comply with all provisions of this Declaration, the Bylaws and the rules and regulations of the Association. Furthermore, each Owner and Occupant shall always endeavor to observe and promote the cooperative purposes for which the Association was established. In addition to any rights the Association may have against the Owner's family, guests, tenants or Occupants, the Association may take action under this Declaration against the Owner as if the Owner committed the violation in conjunction with the Owner's family, guests, tenants or Occupants.

**Firearms and Fireworks**

The display or discharge of firearms or fireworks on the Common Property is prohibited, except for use by law enforcement officers and display for the limited purpose of transporting lawful firearms across the Common Property to or from the Owner's Lot. The term "firearms" includes "BB" guns, pellet guns, and other firearms of all types, regardless of size. The term "fireworks" shall include those items as listed in O.C.G.A. Section 25-10-1.

**Pets.**

No owner or Occupant may keep any pets other than a reasonable number of generally recognized household pets on any portion of the Property, as determined in the Board's discretion. No Owner or Occupant may keep, breed or maintain any pet for any commercial purpose. Pets may not be left unattended outdoors, except for short periods of time within fenced areas on lots. No dog house or other structure for the care, housing, or confinement of any pet shall be constructed or maintained on any part of the Property without prior ACC approval. All pets must be kept on a leash and be under the physical control of a responsible person at all times while outdoors, except when confined in fenced areas on a Lot. Feces left upon the Common Property by dogs must be removed by the owner of the dog or person responsible for the dog.

No potbellied pigs may be brought onto or kept at the Property at any time. No dogs determined in the Board's sole discretion to be dangerous dogs may be brought onto or kept on the Property at any time by any Lot Owner, Occupant, or guest of an Owner or Occupant. Any pet which endangers the health

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of any Owner or Occupant or which creates a nuisance or unreasonable disturbance, as may be determined in the Board's sole discretion, must be permanently removed from the Property upon seven (7) days' written notice by the Board. If the Owner or Occupant fails to comply with such notice, the Board may remove the pet. Any pet which, in the Board's sole discretion, presents an immediate danger to the health, safety or property of any member of the community may be removed by the Board without prior notice to the pet's owner.

**Animals Which May or May Not Be Pets.**

Chickens, guineas, ducks, pigs, goats, cows, sheep, horses, whether or not considered to be pets, and animals traditionally considered to be livestock, may not be kept upon the Property.

**Use of Common Property**

There shall be no obstruction of the Common Property, nor shall anything be kept, parked or stored on any part of the Common Property without prior written Board consent, except as specifically provided herein.

Any Owner(s) who is (are) permitted by the Board to reserve a portion of the Common Property shall assume, on behalf of himself/herself/themselves and his/her/their guests, Occupants and family, all risks associated with the use of the Common Property and all liability for any damage or injury to any person or thing as a result of such use. The Association shall not be liable for any damage or injury resulting from such use unless such damage or injury is caused solely by the willful acts or gross negligence of the Association, its agents or employees.

**Impairment of Dwellings and Easements**

An Owner shall do no act nor any work that will impair the structural soundness or integrity of another dwelling or impair any easement or hereditament, nor do any act nor allow any condition to exist which will adversely affect the other Lots or their Owners or Occupants.

**No Transient Tenants**

No transient tenants or Occupants shall be accommodated in a dwelling on a Lot. For purposes hereof, a tenant shall be considered transient if the Owner receives any consideration or benefit, including, but not limited to, a fee, service, gratuity, or emolument, for such occupancy, and the tenant occupies the Lot for less than thirty (30) consecutive days.

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**No Subdivision of Lots and Outbuildings**

No Lot may be subdivided into a smaller Lot.

**Trade or Business**

Residential Use: Each Lot shall be used for residential purposes only. No trade or business of any kind may be conducted in or from a Lot or any part of the Property, including business uses ancillary to a residential use. Exceptions will be made where the Owner or Occupant residing in the dwelling may conduct ancillary business activities so long as:

the existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the dwelling;

the business activity does not involve visitation to the Lot by employees, clients, customers, suppliers or other business invitees. 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.);

the business activity conforms to all zoning requirements for the Property;

the business activity does not increase traffic in the Property;

the business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage;

the business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property, 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: (1) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required therefore. Notwithstanding the above, the use of a Lot by an on-site management company operating on behalf of the Association shall not be considered a trade or business within the meaning of this subparagraph.

**Single Families**

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No Lot shall be occupied by more than a total of two persons per bedroom in the dwelling on the Lot, but not to exceed a total of ten (10) people per dwelling.

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