

Lost Creek

Architectural Design Standards

January 25, 2013

(Current / Amended January 2017)

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Current Lost Creek Design Standards

This document (Current Design Standards) as of September XX, 2012 revises and supplements the original Lost Creek Design Standards (Original Design Standards). The Original Design Standards remain in full force and effect especially for instances of new construction. For any portions of the Original Design Standards that conflict with the Current Design Standards, the Current Design Standards will supercede the Original Design Standards.

Adopted this January 25, 2013, by the Lost Creek Architectural Control Committee:

Jeff Toole _____

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Introduction

To maintain a consistent, orderly, and clean appearance to the property, the declaration of protective covenants for the Lost Creek community was set up and recorded with the Cobb County Clerk's Office. Lost Creek is a design standard community. What this means to you, a homeowner, is that all exterior changes and modifications you might wish to make must be approved in writing beforehand. In a non-design standard community, if your neighbor wanted to paint their home neon green or install an above ground pool or allow tall weeds to take over their front yard, they could; and you would have no recourse. However, in a design standard community like Lost Creek, if they went ahead without approval, the Home Owners' Association through the Board of Directors could take action to have them remove or correct these unapproved changes.

Prior to making modifications to the exterior appearance of your home or yard, you must submit your planned changes in writing to the Lost Creek Architectural Control Committee (ACC). Changes to your lot or landscape that must be submitted for approval include but are not limited to the addition of playground equipment, fences, retaining walls, tree removal or addition, landscape modifications, pools, etc. Changes to your house that must be submitted for approval include but are not limited to decks, porches, arbors, sunrooms, satellite dishes, new paint color, etc.

When submitting your request to the ACC, please be as specific as possible as to the nature of your request. Included in this document in Appendix A is an "Application for Modification" which must be submitted with each individual request.

All requests will be reviewed for final approval. If applicable, please illustrate all requests on a copy of your site plan and attach this to your application.

Fence Guideline

All fences must be approved by the ACC prior to installation.

1. All fences shall be constructed of wood.
2. Iron, aluminum, lattice, chain link, vinyl or cyclone fencing are not allowed materials.
3. Fences cannot be any closer to the street than the back corner of the house unless the ACC determines that the house position, elevation or other landscape features make the fence position reasonably inconspicuous.
4. Alleys cannot be created between two fences on adjacent properties.
5. All fence posts are to be secured by concrete footings.
6. All fence post footings must be on the homeowner's property.
7. All fences shall be located inside the property line.
8. Homeowners are responsible for proper maintenance of the fence, not limited to finish and upright position.
9. Framing, support structures, and "hog wire" if used, are to be on the inside of the fence facing the interior of the homeowner's property.
10. Unless approved by the ACC, wood fences shall be their natural color and be either stained or sealed. Painted fences shall be white in color or shall match the trim color of the house.
11. Privacy fences are not allowed. Maximum fence height is four feet.
12. The ACC may require that the design of your fence (submitted for approval) be modified based on existing fences in neighboring yards.
13. These fence guidelines and policies are intended to regulate aesthetic guidelines only. Fencing must conform to applicable government codes as well.
14. Requests for new fences or fence changes shall include a drawing on the site plan of the exact requested placement of the fence.
15. Fence installations can not result in islands or partial fence lines. Exceptions may be approved for extreme extenuating circumstances.

Signs

Signs are not to be installed, altered, or maintained on any lot without prior written permission from the ACC except one (1) "for sale" sign having a maximum face area of four square feet installed in the front yard. The number of temporary signs (ie. garage sales, etc.) must be kept to a minimum and must be removed promptly after sale. "For Rent" signs are prohibited.

Temporary signs advertising house painting, basement refinishing, landscaping, etc. may be temporarily placed on your lot upon initiation of such project. Signs must not have a face area of larger than four square feet and must be removed when the project is complete or within three weeks whichever occurs first.

Security system signs having a maximum face area of one square foot may be displayed but may not be located near the roadway nor on the mailbox post.

Exterior Antennas, Aerials, and Satellite Dishes

Exterior antennae and aerials visible from the street are not permitted. Small gray (18" or less) satellite dishes are permitted but must be placed at the rear of the house or side of the house in an inconspicuous location.

Garbage Cans, Woodpiles, Etc.

All garbage cans, woodpiles, brush piles and other similar items are only to be kept in the rear yards out of view from the front or side street and must be screened and concealed from your neighbors' view. Garbage cans are to be kept inside the garage except on the evening before pickup or on the morning of pickup unless they are screened from view in an outside location. Garbage cans shall not be visible from the street.

Woodpiles shall be located in the rear yard and shall have minimum visual impact. Tarps covering woodpiles must be earth-tone in color and are allowed only if the woodpile is completely screened from view from the street and neighbors.

Exterior Paint Color Guidelines

Any changes to exterior color must be approved, although updating of house colors is encouraged. The exterior colors of the walls and roof of each house shall be compatible and harmonious with the colors of nearby houses. Highly reflective and bright colors are not allowed. The primary house paint color shall be in subdued earth tone colors. Trim color on the home is to be a coordinated accent color. All trim, including window, fascia, and frames, is to be of the same color. Shutters and exterior doors may be painted a subdued accent color. Garage doors are not considered an accent feature on the home for this guideline and must be painted either in the trim or siding color scheme. However, as per the 2015 ACC, garage doors may be painted in an accent color if it is a subdued earth tone and if it is approved. Gutters are to be painted the same color as the trim, with the exception of areas against brick when a color match to the brick will be allowed.

Exterior Maintenance

Each lot and home must be kept in good repair. Exterior paint that is in disrepair or that is faded or stained must be pressure washed and/or repainted. Repainting in the original colors, or replacement of walks or driveways as originally installed, may be undertaken without approval of the ACC. Driveways should be kept clean and free from mold, moss, or excessive stains.

Landscaping

The ACC must approve any additions or alterations to the existing landscaping prior to modifications or installation of any materials. The proposed plan must include a drawing to show location, variety and size of all plant materials, as well as location and description of all “hardscape” items. Items that require ACC approval include but are not limited to all “landscape” items such as removal or addition of trees, bed size changes, major plantings, terrain changes; and all “hardscape” items such as yard sculptures, lighting, fences, walls, rocks, walkways, decks, porches, statuary, bird baths, bird feeders mounted in the ground, arbors, lawn furniture, and so forth. No sculptures or statuary may be visible in the front yard or from any street. A time frame for completion of work shall be agreed upon between the ACC and the homeowner.

Yards are to be properly sodded, seeded, mowed, edged and watered. Trees, hedges, and bushes are to be trimmed and pruned on a regular basis. Dead plants should be removed and replaced promptly. Landscape beds or islands of mulch or pine straw or similar ground cover shall be maintained and may not become bare. Weeds in lawns or landscape beds must be kept to a minimum. All homes must maintain a front yard lawn of either a Bermuda, Zoysia, Centipede, or Fescue type grass. Extending or expanding a landscape bed with a growing/live or natural material ground cover must be approved out to the street curb is not allowed. The type of backyard grass is at the discretion of the homeowner. Stone or rock ground cover shall be kept to a minimum and must be muted or earth tone colors.

Landscape or island border materials must be approved by the ACC. Metal or plastic border material within view of the street is prohibited. Ivy may be used as a ground cover when it is contained in a distinct bed. Ivy may not be allowed to cross over to an adjacent property and preferably should not grow onto trees.

Any activity that entails movement of earth or a change in land contour must be approved by the ACC.

Screening may be used sparingly within the neighborhood to define private spaces or to attract or divert attention to or from particular views such as to screen from view utility devices, air conditioning equipment, or garbage cans. Plant screens are preferred, but fence screens may also be approved as long if the fence complies with the fence guidelines.

Lawn tools, equipment and machinery must be stored out of view when not in use.

Trees

No live or dead tree having a diameter of three (3) inches or more measured from a point five (5) feet above ground level may be removed from any lot without the prior written approval of the ACC. No dogwood trees may be removed without approval of the ACC. Tree stumps must be ground-up or cut level with the ground. Trees marked for removal should be marked with ribbon or tape and not spray-painted.

Vehicles

All vehicles must be parked within garages, on driveways, or on other paved parking areas. Parking on any non-paved surface is prohibited by the Design Standards and by Cobb County Ordinance.

All garage doors facing toward a street should be kept closed at all times except when entering or leaving the garage or when working in the yard.

Any boat, recreational vehicle, motor home, mobile home, commercial vehicle, towed vehicle, ATV, towed trailer, or similar equipment may not be visible from any street or any adjacent lot in the community for periods longer than forty-eight (48) hours unless completely enclosed in a garage or completely screened from view.

Recreational Equipment

Recreational and playground equipment shall be placed or installed only on the rear of a lot. Before erecting any type of recreational equipment, prior written permission is needed from the ACC.

Play equipment must be located where it will have a minimum visual impact on adjacent properties and streets. Fixed play equipment shall be naturally colored wood.

Windows & Doors

Window screens or storm/screen doors with silver-finish frames shall not be approved.

All window treatments, including draperies, shades, blinds, etc, must be of white or neutral color on the side exposed to the exterior of the house.

Mailboxes

All mailboxes must be a black standard U.S. Postal Office mailbox, size 1½ or “large”, with dimensions of 8” x 11” x 20”. All mailboxes must conform to the community design/color, and be maintained in good repair. This includes the maintenance of street numbers on mailboxes. No additional ornamentation may be placed on or affixed to the approved mailbox. Only approved Mailbox designs in 7th Amendment to Design Standards are permitted to be used in Lost Creek.

Animal Houses

Animal house exterior colors and materials must relate to the exterior of the house. The structure shall be completely screened from any view from surrounding properties and streets, and must be discreetly located so as to not cause a nuisance to neighbors. Clothesline and/or fenced "dog runs" are not allowed. No livestock animals are allowed in the neighborhood.

Detached Storage Buildings

Detached storage buildings, including but not limited to detached garages, must conform to the style and structure of the house and must be approved by the ACC. Prefabricated or factory built structures or metal sheds are not permitted.

Flags

One flag in good repair may be flown without the approval of the ACC. All flags must be no larger than 2 feet by 4 feet and must attach to the dwelling with a bracket and a short pole no longer than 6 feet. Flagpoles mounted in the ground or outside the aforementioned guidelines are expressly prohibited. Seasonal or holiday flags should be removed at the end of the season or holiday.

Sports Equipment

Sports equipment including but not limited to skateboard ramps, hockey nets, soccer goals etc, must be stored out of sight of the road and neighbors when not in use.

Basketball Goals

Basketball goals are acceptable subject to ACC approval of the location and colors of both sides of the backboard.

Basketball goals must be portable based or mounted on freestanding black metal poles and have standard gray, clear, or muted earth-tone colored backboards. Goals shall be located in the side or rear yards and oriented for minimal visual impact from the street.

Appendix A - Application for Modification

Date: _____

Homeowner's Name: _____

Address: _____

Home Phone: _____ Daytime Phone: _____

Estimated Start Date: _____ Estimated Completion Date: _____

Type of Modification Being Requested

Minor

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Basketball Goal | <input type="checkbox"/> Change of House Color | <input type="checkbox"/> Statuary |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Satellite Dish | <input type="checkbox"/> Other |

For minor modifications, please see #5 in the "Instructions For Request For Modification" in Appendix B.

Moderate

- | | | |
|---|---|--------------------------------|
| <input type="checkbox"/> Deck | <input type="checkbox"/> Gazebo | <input type="checkbox"/> Fence |
| <input type="checkbox"/> Retaining Wall | <input type="checkbox"/> Play Equipment | <input type="checkbox"/> Arbor |
| <input type="checkbox"/> Screened Porch | <input type="checkbox"/> Other | |

Major

- | | | |
|--|--|--------------------------------|
| <input type="checkbox"/> Room Addition | <input type="checkbox"/> Swimming Pool | <input type="checkbox"/> Other |
|--|--|--------------------------------|

For moderate or major modifications, please see #6 in the "Instructions For Request For Modification" in Appendix B.

Permission is hereby granted for members of the Architectural Control Committee and appropriate Lost Creek Neighborhood Association representatives to distribute and discuss your application with your neighbors and to enter the property to make reasonable observations and inspections of the modifications request and completed project

I have discussed this modification with my neighbors who border my property and other neighbors who may be directly impacted by the proposed modification.

Homeowner Signature: _____

Email: _____ An ACC member will acknowledge receipt.

Lost Creek Architectural Control Committee

Received on: _____ Reviewed on: _____ Review Completed on: _____

Application Approved: _____ Application Denied: _____

Appendix B - Instructions for Request For Modification

The Lost Creek Neighborhood Association utilizes a complete package application procedure. The application is considered received when all required documentation has been received. If your application is incomplete, your application will be returned unprocessed.

1. **Please Print Legibly in ink.**
2. Give your complete legal name.
3. Give the address where your evaluation should be mailed.
4. Complete the entire application; sign and date the form.
5. For minor modifications, submit a drawing with the location of the modification on the property, product brochure, or description of the planned addition.
6. For moderate or major modifications, enclose two copies of the following with your request:
 - A. A site plan, to scale, showing exact location of modification being requested in relation to your property lines. A State of Georgia registered survey plat clearly showing property lines (*as received at closing*), existing improvements, and proposed modification(s). Please show exact location of modification(s) being requested in relation to your property lines. Existing fences, decks, walkways, driveways, etc., should also be indicated.
 - B. A brief description of the modification, drawing, exterior elevations, floor plan, detail of materials to be used, pictures, catalog pages, brochures, and color samples must be included.
7. Homeowners should check with the Cobb County Building & Inspections Department to obtain necessary permits and building code information.
8. Important: All applications must be mailed or delivered to:

Ken Carpenter
4788 Deer Run NW
Kennesaw, GA 30152
LCACC1987@gmail.com
9. Include email address on application if possible. You will be notified by mail or email when your application for modification has been received by the ACC. Your application will be reviewed within 30 days of being received, however, there is no automatic approval for application of modification requests.

Appendix C - Enforcement of Design Standards

Whenever the ACC determines a violation of the Current Design Standards or a violation of any matter falling under the authority of the ACC exists, the ACC shall provide written notice to the Owner by mail or by electronic mail, setting forth in reasonable detail the nature of the violation and the specific action or actions required to remedy the violation. If the Owner shall not have taken reasonable steps toward the required remedial action within thirty (30) days of receiving this notice, the ACC shall notify the Association and the Board.

Once notified by the ACC of an uncorrected violation, the Board shall take appropriate measures to correct the violation. The Board shall provide written notice to the Owner by certified mail, setting forth in reasonable detail the nature of the violation and the specific action or actions required to remedy the violation. If the Owner shall not have taken reasonable steps toward the required remedial action within ten (10) days after the mailing of the aforesaid notice of violation, then the Association shall have all of the remedies set forth in the Declaration of Covenants and the Amendments of the Declaration of Covenants.

At the Board's discretion, it may take any or all of the following actions to correct a violation:

1. Suspension of the Owner's right to use of the Common Property and/or suspension of the Owner's voting rights.
2. Imposition of a reasonable monthly fine along with interest on any unpaid accrual. If any cost, expense, or fine owed by the Owner is not paid within thirty (30) days of imposition, the Board may file a lien against the Owner's property or file legal action against the Owner personally. All costs associated with any legal action shall be reimbursed to the Association by the Owner.
3. The Right of Abatement. The Board or its agents or employees may enter at all reasonable times upon any lot and take action at the expense of the Association to correct a violation. All costs associated with any corrective action shall be reimbursed by the Owner to the Association.
4. The Right of Specific Performance. The Board may take appropriate legal action at the expense of the Association to obtain a judicial order requiring the Owner to correct the violation. All costs associated with any legal action shall be reimbursed by the Owner to the Association.

Appendix D - Authority to Enforce

The Declaration of Covenants, Conditions and Restrictions for Lost Creek was recorded on July 20, 1986 in Deed Book 4050, Page 1, Records of Cobb County, Georgia.

There are two recorded amendments to the original Covenants in the land records of Cobb County titled First Amendment to Declaration of Covenants, Restrictions and Easements for Lost Creek recorded August 1, 1988 in Deed Book 5019, Page 212, Records of Cobb County, Georgia, and First Amendment to Declaration of Covenants, Restrictions and Easements for Lost Creek recorded November 29, 1990 in Deed Book 5942, Page 449, Records of Cobb County, Georgia.

This Declaration of Covenants, as amended, is “of record” in the land records of Cobb County. Each original owner, as well as each subsequent purchaser, buys subject to this Declaration, as amended. Nothing must be done at the real estate closing nor must a buyer agree to the Declaration at any time to be subject to it. The Declaration, as amended, “follows the property” and each subsequent Owner buys subject to the Declaration.

Declaration of Covenant 5.05 allows the Architectural Control Committee (ACC) to adopt, promulgate, amend, revoke and enforce guidelines (the Design Standards). The ACC must publish a copy of the current Design Standards and make them readily available to Members and prospective Members and to all applicants seeking ACC approval.

Per Declaration 5.11 relating to Violations, Declaration 6.14 relating to Maintenance, and the 1990 Amendment, whenever the ACC determines a violation of the Design Standards has occurred, the ACC *shall* notify the Association, and the Board *shall* take appropriate measures to correct the violation.

The Board *shall* provide written notice to the Owner by certified mail, setting forth in reasonable detail the nature of the violation and the specific action or actions required to remedy the violation.

If the Owner shall not have taken reasonable steps toward the required remedial action within ten (10) days after the mailing of the aforesaid notice of violation, then the Association shall have all of the remedies set forth in Article VIII including the right to impose fines (1990 Amendment), the Right of Abatement (Covenant 8.02), the Right of Specific Performance (Covenant 8.03), the right to sue the Owner personally (Covenant 8.03a), the right to lien the property and then foreclose against the lien with the Owner already having agreed to assign power of attorney to the Association (Covenant 8.03b).