



Sutters Pond HOA, Inc. Neighborhood Design Standards

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**Sutters Pond HOA, Inc.
Neighborhood Design Standards**

The *Sutters Pond HOA, Inc. Neighborhood Design Standards* (“Design Standards”) are provided to consolidate, clarify, and amplify the specific standards and requirements provided in the *Declaration of Covenants, Conditions and Restrictions for Sutter’s Pond* (“Declarations”). The Design Standards provide each homeowner with the specific conditions and requirements for maintaining or improving their home or property that will help preserve the architectural appearance of the neighborhood and retain the harmony of the external design throughout Sutter’s Pond. The Design Standards shall work in conjunction with the requirements provided in the Declarations and will be periodically reviewed with any changes subject to approval by the HOA Board.

The Sutter’s Pond HOA, Inc. Architectural Control Committee (“ACC”) will oversee the compliance of each homeowner in maintaining the standards as set out in the Declarations and Design Standards pursuant to Article II of the Declarations.

When planning improvements to landscaping and exterior structure changes, the homeowner is required to submit a completed *Architectural Control Committee Application* (“ACC Application”) to the ACC. A copy of the required ACC Application, as may be amended from time to time as determined by the ACC, is attached hereto. The homeowner may not begin work on any improvements or changes to their landscape or exterior until receipt of the **approved** ACC Application has been provided to the homeowner. Although the ACC Application review process may take as long as thirty (30) days (pursuant to paragraph (b) of Article II of the Declarations), the ACC will endeavor to complete its review process within ten (10) business days. Should changes be made to the planned improvements after approval has been granted, an additional submission will be required for expedited review and approval by the ACC. Once the approved work has been completed, one or more members of the ACC will inspect the changes to ensure compliance to the approved submission. It is important to note that if a request is not approved or disapproved within thirty (30) days from date submitted, then same shall be approved by default.

Only current homeowner requests will be considered for approval. Potential buyers may submit a request for ACC review and feedback, but no official approvals will be granted until the home is purchased.

Section I

Items that Do Not Require ACC Approval

The following items found under this Section I of the Design Standards and are maintained, installed or changed as provided for in this Section to the landscaping or exterior of a home do not require approval from the ACC.

A. ***Minor Maintenance.*** As a rule, minor maintenance to existing structures and the exterior of a home does not require approval from the ACC prior to making such repairs. If the look and feel of the home, structure, landscape remains the same, the homeowner is generally okay to maintain the existing structure or landscape.

B. ***Holiday Decorations & Exterior Lighting.*** Temporary seasonal decorations and seasonal exterior lighting (non-permanent fixtures) may be displayed in conjunction with the timelines outlined below. Lighting must not create excessive glare or blinking patterns that affect neighboring homes.

Installation Timeframe:

- October – December Holidays
 - May be installed no earlier than October 1.
 - Must be removed no later than January 15th.
- Other holidays
 - May be installed no earlier than (7) days prior to the holiday.
 - Must be removed within seven (7) days after the holiday.

For the December Holidays, it is understood that in some cases, professionally installed lights may require initial setup prior to November 15th. We expect every resident to do anything in their power to delay the setup as close to November 15th as possible and not turn them on until that date.

C. ***Exterior Lighting Standards (Permanent Fixtures)***

1. In an effort to maintain a uniform and aesthetically pleasing community appearance, the following guidelines regarding exterior lighting shall be observed by all homeowners.
 - a. ***Color of Exterior Lights:*** All exterior lights, visible from the front of the home, including but not limited to porch lights, permanent exterior lighting fixtures, pathway lights, and decorative lighting, must emit a soft white glow. The use of colored lights (e.g., red, blue, green, etc.) or faux gas lighting is prohibited.
 - b. ***Brightness and Glare:*** Exterior lights should be of appropriate brightness to ensure they do not cause glare or light pollution for neighboring properties. Lights should be directed downwards or

shielded to prevent light from shining into neighboring yards or windows.

- c. ***Maintenance:*** Homeowners are responsible for maintaining their exterior lighting fixtures in good working order. Any malfunctioning or non-compliant lights must be repaired or replaced promptly.

2. *Minor Landscaping*

A homeowner may plant annuals in existing planting foundation bed.

A homeowner may replace existing shrubs in existing planting bed or foundation bed, with identical shrubs.

The homeowner may replenish pine straw and hardwood mulch or small landscape enhancements, with identical color and material.

Vegetable & Herb gardens must be located in the backyard, not visible from front of house. All gardens (flower and vegetable) must be maintained free from dead plants and weeds. All beds must be edged.

Hose reels, housing for hose reels, or hoses, should be kept in as inconspicuous a place as possible. Regular repairs and maintenance of existing sprinkler systems is required.

3. *Invisible Electronic Fences*

The invisible fence must be installed within the property line, sidewalk, or curb. Invisible fences must also be installed so there is no possible egress for the animal. It is advisable to check with Cobb County regarding the installation of an invisible fence on the county's right of way. It is recommended that a sign be posted, to alert any pedestrians that an invisible fence exists.

4. *Antennas and Satellite Dishes*

No antenna or satellite dish is to be placed in the front yard or on a post. If the antenna or satellite dish will be placed in a location visible from the street, ACC approval is needed to proceed.

Antennas and satellite dishes, no larger than one meter in total size, may be installed by an Owner in accordance with Federal regulations. All antennas and satellite dishes should be located at the rear of the home in the least conspicuous area as possible that still enables good signal. The Architectural Control Committee may require evidence from a

professional installer of this fact. The homeowner is responsible for maintaining the dish and repair or repaint the dish if the dish should become worn or disfigured. If and when the dish is removed, the homeowner must restore the area of the property to its original condition. Satellite dishes may be used for reception, but not transmission.

5. **Basketball Goals.** No backboard shall be affixed to the house or garage. All basketball goals are to be located in the residence driveway, located behind the front corner of the front face of the home, and NOT in public domain. The backboard, pole, and netting must be maintained in like-new condition. Basketball goals can be permanent or portable – with a preference for portable units. The pole must be black or solid gray. The use of basketball goals is limited to the hours between 8:00 AM and 10:00 PM.

6. **Flags & Flag Poles Patriotic, Seasonal, Sports.** One (1) reasonable sized bracket, (signal or double), attached to the home may display the United States Flag, the official Georgia State Flag, as well as seasonal, decorative, military and sports flags (please see below). No freestanding flagpoles are allowed. Flags will be permitted up to the size of a 3' x 5'. The flagpole must be silver or white. Flags may not be torn, tattered, or faded. Further, the United States Flag must be displayed consistent with the provisions of the Federal Flag Code.

1. **Display Guidelines:**

- Small sports flags may be displayed on residential properties provided they adhere to the following conditions:
 - Flags must be securely attached to a flagpole or other stable support.
 - Flags should not obstruct visibility from windows, driveways, or public roads.
 - Flags should not cause damage to property or landscaping.
 - If illuminated, lighting must be a soft white and directed solely onto the flag. Colored or flashing lights are prohibited.

2. **Duration of Display:**

- Small garden flags may be displayed year-round, but homeowners are encouraged to be mindful of community aesthetics and to avoid excessive or obstructive displays.

3. **Quantity of Flags:**

- A maximum of one (1) large flag no larger than 3' x 5' and one (1) garden flag shall be permitted.

7. **Firewood.** Firewood shall be kept neatly stacked and should be located to the rear of the residence, within a reasonable size.

8. **Gutters and Downspouts.** All house gutters and downspout colors and styles must match those existing and must not adversely affect drainage on adjacent properties. Gutters and downspouts must be maintained in a reasonable manner.

9. **House Numbers.** House numbers are permitted when consistent with fonts, styles, and sizes originally installed on the property. House numbers are required to be affixed on the front exterior of every home in the neighborhood. If the house number is affixed in any way to the curb in front of the home, it must be approved by the ACC.

10. **Pets.** Dogs are required to be on leashes when walked on community streets and sidewalks, per Cobb County Ordinance. Dog waste shall be picked up immediately from neighboring properties, all common areas of the neighborhood, community sidewalks and other neighborhood spaces, and properly disposed. Residents in violation of this policy will be subject to a verbal notice and a fine up to \$100 per offense. Any pet that creates a nuisance or unreasonable disturbance may be reported to Cobb County Animal Control. Pets other than common household pets are prohibited. No structure for the care, housing, or confinement of any animal shall be constructed or placed on any lot that is visible from the street.

11. **Minor Repairs to Structures.** Minor repairs to structures (i.e. replacing damaged deck boards, repairing damaged railing, re-hanging window shutters, re-caulking around windows, regular repairs and maintenance of AC units, etc.) do not require ACC approval. A homeowner may touch-up the Exterior paint with the existing color.

12. **Repainting Exterior Structure.** ACC approval is not required if the entire exterior of the home or other structure, including all siding, trim, doors, and shutters, is to be repainted the same color as currently on the exterior of the home or other structure and there will be no changes to the color palette.

Unless provided under this Section I of the Design Standards, all other changes or improvements to landscaping and exterior structures must first be approved by the ACC before work is commenced.

Section II

Items Requiring ACC Approval

All improvements to landscaping and exterior structure changes (other than provided for in Section I of the Design Standards) required approval from the ACC. ACC may review pro

A. **Additional Structures, Permanent.** All outdoor cabanas, hot tubs, spas, outdoor fireplaces, and gazebos or any other addition to the home, must be approved by the ACC. Plans must be submitted with the ACC Application. All must be maintained and kept in good repair. Concrete block or cinder block shall not be used as a building material for the exposed exterior surface of any dwelling or accessory structure constructed or placed on any Lot.

B. *Additions to Main Dwelling, Storage Rooms, Room Additions, Enclosed Patios, and Decks.*

Only those additions, which are attached to the main house and have been approved by the ACC, are allowed. The additions must be constructed with the same building material as the house, including, but not limited to, siding, trim, color, roofing, doors, and windows. Professional plans and pictures must accompany the ACC Application.

ACC approval is required for staining or painting of decks. All stain and paint colors must be approved.

Any change or addition to a deck, patio, porch, balcony, deck railing, or trim requires ACC approval.

C. *Sheds and Accessory Structures.* All sheds and other accessory structures must be approved by the ACC and be in conformance with Section 9 of Article VIII of the Declarations of Covenants. All sheds must be of wood or masonry construction. All sheds must match the existing exterior style and finish of the home (i.e. paint colors, shingles, etc.) The placement of the shed and landscape buffer must be approved by the ACC.

D. *Driveways, Walkways and Sideways.* Alterations and additions to driveways, such as the addition of pads or turn-around, are subject to ACC approval. All alterations to walkways must be approved. All driveways must be constructed of concrete with the same finish used in the original construction. All driveways must be kept stain free and in good repair. **No Cobb County maintained sidewalk may be altered at any time.**

E. *Exterior Maintenance.* The exterior of the main dwelling must be properly maintained. This includes peeling paint, mildew, problems and building repairs, which would otherwise detract from the aesthetics of the neighborhood.

F. *Roofing.* ACC approval is required for replacement, change to, or adding any roof covering. Road facing roof surfaces should have no penetrations of plumbing or heating vents, exhaust fans, or sky lights. All roof stacks and flashing shall be painted to blend in with roof colors. Flashing should be repainted should it appear faded or weathered.

G. *Shutters.* All homes currently designed with shutters are required to retain and maintain shutters on the home. A homeowner may request a change in shutter style and color through the ACC Application. Approved colors must conform to the current color scheme in the subdivision.

H. *Window Screens.* All window screens must be well maintained and in good condition.

I. *Fences.* No fence or wall of any kind shall be created or altered on any Lot or Home without the prior written approval of the Architectural Control Committee. All fences must have the finished side facing out. All fences must extend from the rear corner of the house

toward the side property lines and towards the rear property line. Any deviation from the standards would require an approved Board of Director variance. No fence shall be placed in the sight line of an intersection or side street. Lots with easements may require special approval from the Board of Directors. A drawing with the placement of the fence in relationship to the house, along with complete measurements and a picture of the fence style and color must accompany the ACC Application. No chain link, fence or any variation will be allowed. Approved fences are rod iron, woven metal with specific requirements outlined below, wood slat privacy/semi-private fences.

No fence shall be greater than six feet (6') in height or less than four feet (4') in height.

All fences shall have a uniform pattern along the top line (i.e., dog eared, scalloped, bordered lattice, etc.).

All structural and/or framing members shall be installed to the interior of the fence such that they are not visible from outside the fence or lot.

All fencing must be installed within the boundaries of lots to conform with all governmental setbacks and other regulations, if any, as well as any requirement of the recorded plats for the subdivision. Any boundary dispute shall be resolved between the disputing Owners, and shall not be the responsibility of the Board of Directors or the ACC.

No front yard of any lot shall be fenced. Corner lots may be considered to have two front yards. Therefore, front yard rules apply to the yard adjacent to both streets on corner lots. As a general rule, fences are not allowed in front yards due to fence construction being prohibited forward of the rear corners of the house. However, consideration may be given by the ACC to the backyard fenced area yielding after rear corners are used and whether the house is situated square with the streets or diagonally placed.

Invisible fences are acceptable, and it is recommended that a sign be displayed that such fence exists.

All fences should be, at a minimum, treated with a water sealant, and must be well maintained and re-stained/re-painted, with uniform color, including fence repairs. If newly built fences are stained, ACC must approve the stain color, which should conform to current aesthetics of the Community and conform to the exterior design and quality to the dwelling on the same lot.

J. *Exterior Paint*

Any changes to exterior painting, including, but not limited to, siding, trim, shutters, and doors, must be approved by the ACC. Paint samples must be provided with the ACC Application. *You may be asked to paint a small area of the house in an inconspicuous location with the proposed paint prior to approval being considered.*

Front doors should be of a style and color compatible and complementary with the

neighborhood and the style of the home and the existing colors of the home. Garage doors shall be coordinated with all the other garage doors of the home. Garage doors must be painted to match the trim or siding of the house.

All Paint Color combinations will be restricted to no more than three colors including painting of brick and stone.

Color selections shall be in keeping with the earth tones and neutral tones used in the design of the community. Earth tones are defined as naturally occurring colors found in dirt, grass, rocks, water, and other natural elements. Neutral tones are defined as variant shades of grey and white. Pastels, Deep Jewel Tones, and/or Fluorescent Colors will not be approved. Should a homeowner wish to make changes to his/her current color scheme, careful consideration should be given to the colors of adjacent (defined as beside or directly facing) homes including their roof colors. Homeowners should take notice of the colors of homes around them so as not to paint their house in the same color or color palette as the homes of any neighboring property or property immediately across the street. This is to achieve a well-balanced and coordinated color scheme throughout the community.

In accordance with the Declaration of Covenants, the ACC shall have the sole discretion to determine whether the colors, plans, and specifications submitted for approval are acceptable and in compliance with the total scheme of the neighborhood. If the proposed colors do not fit within the neighborhood color scheme, the ACC will deny the ACC Application. Once notified of the denied decision by the ACC, the homeowner may request an appeal by the Board of Directors. The results of the appeal will be final.

K. ***Pools.***

No above ground pools are allowed. A small “kiddie” type wading pool, with a size of not to exceed a height of eighteen inches (18”) or a diameter of eighty-four inches (84”) is allowed during the summer months but must not remain out when not in use.

In-ground Pools are allowed with ACC approval. Specific plans for the pool and required fencing must be submitted with the ACC Application. Pool and equipment houses will be evaluated on an individual basis. The housing must be consistent in material, siding, trim, color, and roofing with the main house. Pumps and pool equipment must be kept inside the fencing. The homeowner is responsible for following all local codes/ordinances pertaining to the installation and maintenance of the pool and equipment. All pools on corner and lake lots must be landscaped to not be visible from the street and lake.

L. ***Outdoor Play Areas.*** All Outdoor Play Area Equipment/Structures Must be Maintained and kept in Good Repair.

1. Playhouses: Playhouses must be the same or similar in style, color, and materials of the main house. The playhouse must be located in the rear yard. Floor space should not exceed 100 sq. ft., and the height must not exceed eight feet (10') above ground

level, except where approved by the ACC. Additional landscaping may be required. The playhouse must not be used for storage purposes.

2. **Play Sets/Swing Sets:** Play Sets/Swing Sets must be placed in the rear yard only. The swing set must be constructed of wood with natural wood color. Additional landscaping may be required. Metal play sets or swing sets are not permitted.

3. **Trampolines:** Trampolines are allowed only in rear yards and should be placed where they're least visible to neighbors and streets. In some cases, extra landscaping or screening may be required to help blend them into the surroundings.

4. **Recreational Courts:** Recreational Courts including, but are not limited to, tennis court, volleyball court, and basketball court require ACC approval. Professional plans and pictures must accompany the ACC Application.

M. ***Permanent Barbeque Grills.*** Permanent grills may be installed at the rear of the house.

N. ***Signs.*** All Signs Must be Maintained in Like-New Condition. All signs, with the exception of the following, must be approved by the ACC:

1. **Political Signs:** No more than one sign per candidate per lot is permitted. Signs may be placed no more than 14 days before an election and must be taken down within 7 days after the election.
2. **Home for Sale Signs:** Professional signs are allowed to assist homeowners in selling their homes and must be no more than 6 sq. ft. in area. One is allowed in the front yard of the homeowner's private property. Private real estate signs are prohibited in the front entrance of Sutter's Pond or in any other amenity or other area owned by the HOA.
3. **Home for Lease/Rent Signs:** All home for rent or lease signs are strictly prohibited from being displayed in the neighborhood. Not more than one "For Sale" or "For Rent" sign, provided, however, that in no event shall any such sign be larger than six (6) square feet in area.
4. **Contractor Signs:** Contractor signs are allowed only while work is being done. Signs must be removed no later than 24 hours after work completion.
5. **Lawn Maintenance Signs:** signs and temporary stakes posted by lawn care treatment providers are allowed for no more than 48 hours following an application by the servicing company.
6. **Invisible Dog Fence Signs:** Owners who install invisible dog fences are required to display an appropriate warning sign on their property.

7. Home Monitoring Service Signs: Signs indicating that the home is monitored or serviced by a security monitoring service are allowed and must be of the typical size and design most commonly associated with this sign type, i.e. 28 to 30 inches in total height, and some examples of the actual sign portion being about 9x12 inches or 10x10 inches. The smaller window and door decals are typically around 3.5 x 3.5 inches for the signs. Only one sign is permitted per residence. These signs must be kept in good repair and placed in the front of the home within reasonable proximity to the front entrance and be visible from the street.

O. ***Landscape.***

Major Landscaping: Plans which call for a change of the grade including filling, clearing, and/or excavation of the lot, or which requires heavy equipment, requires ACC approval. Changes in grade must not affect drainage on neighboring lots. Plans that call for a full foundation revision require a detailed plan designating all planting areas and the specific plants to be used.

Elevation & Grading: Specific topographical diagrams and details must accompany the ACC Application for all grade changes. The ACC has the right to determine the maximum percentage of a lot that can be cleared or graded, per the Cobb County Conservation requirements, for Sutters Pond Subdivision. Homeowners may be asked to provide an opinion from a professional, such as an engineer or architect, which states the planned modification will not cause increased drainage onto neighboring lots.

Tree Removal: Every living tree larger than two inches (2") in diameter and/or has a height of four feet (4') above the ground shall NOT be removed without ACC approval. It is permissible to remove dead trees. However, the homeowner is advised to discuss the specific removal of such trees with immediate neighbors to prevent misunderstandings. Tree stumps must either be ground or removed from the lot once the tree has been cut down. *Please note that as Sutter's Pond is a Conservation Neighborhood, trees located within the protected "Green Space" areas of the subdivision may also require approval by Cobb County prior to removal.*

Tree Planting: All tree plantings require ACC approval.

Front Yard Turf: All front yards **must** be warm season grasses, unless shading is an issue. All conversions of front yard turf require ACC approval; however, some version of turf is required to ensure and maintain proper weed control. In addition, front yards must have some form of weed control (chemical or manual). Should the homeowner choose to pursue weed control/aeration by burning their lawn, they must follow direction from county and fire codes/laws to ensure the safety of their home and surrounding homes.

Sidewalk/Driveway Landscape: All conversions for Sidewalk and/or Driveway landscape require ACC approval. Homeowners are required to provide a detailed plan for the changes.

Exterior Decorative Objects: All decorative objects such as statues, sculptures, fountains, rocks, or other three-dimensional works of art, made from materials like stone, bronze, or wood should not be more than 18” in height and must be approved by the ACC. Only items manufactured and sold for outdoor use may be placed outside the house for seating, dining, grilling, decoration, and bird feeding. Written approval for lawn furniture which is visible from the street and/or lake, shall be obtained from the ACC in advance to ensure the aesthetics of the Community is maintained, and conform to the exterior design and quality to the dwelling on the same lot.

Landscape Additions: Any landscape installations in the front yard (i.e. walls, pillars, railroad ties, garden timbers, pavers, bed etc.) require ACC approval. Homeowners will be required to provide a detailed plan for the additions.

Planting/Foundation Beds: The installation of concrete, brick, stone, or decorative edging for the front yard planting foundation beds requires ACC approval. The conversion from pine straw, hardwood mulch or a decorative aggregate stone must be approved by the ACC. Homeowners will be required to provide a detailed plan for the beds.

Minor Landscape Plantings: Grass, ornamental plants, and shrubbery consistent with original grass or landscaping, or seasonal refreshment of landscape beds, may be planted in the front, rear, or side yards without the approval of the ACC. All other plantings require ACC approval.

Planting of trees, plants, or shrubbery on the property line is prohibited, unless approved by ACC. No fence, wall hedge, or shrub planting shall be placed or permitted to remain at any corner that would create a traffic or sight problem.

P. *Motor Vehicles, Trailers, Boats, RV's, Campers, and Commercial Vehicles*

All automobiles owned or used by Owners or Occupants, other than temporary guest, and visitors, shall be parked in garages to the extent the garage space is available. Garages shall not be used for storage to the point the garage is unavailable for parking cars in. If cars occupy all available garage bays, then the Owner, Occupant's, and Guest's cars must be parked in the driveway. Parking on the grass or sidewalk is strictly prohibited.

At no time shall any garage located on a Lot be converted into living space.

Household Vehicle Exception Policy

The Board and ACC recognize that the Covenants limit the number and placement of vehicles on each Lot. However, in circumstances where a household includes multiple licensed drivers who are immediate family members residing full-time in the home, the homeowner may request an exception for additional vehicles. Such exceptions must be submitted in writing to the ACC for review and may be approved on a case-by-case basis, provided that:

1. All garage spaces are actively used for vehicle parking.

2. No vehicle is parked on the grass, sidewalk, or in a manner that blocks emergency access, stop signs, school buses, and/or delivery vehicles.
3. The appearance of the vehicle(s) remains consistent with the community-wide standard and be in working order.

Approved exceptions will be documented and subject to periodic review. All other provisions of the Covenants and these Design Standards remain fully enforceable.

Recreational Vehicles: All recreational vehicles, including boats, campers, mobile or motor homes, trailers, tractors, trucks, motorcycles, mopeds, go-carts, golf carts, off-road vehicles, and other such vehicles, are to be permanently stored in the homeowner's garage.

Visitor RVs and campers may be parked at a residence driveway on a temporary basis for no more than three (3) consecutive days. If more than three (3) days is desired, the homeowner must obtain permission from the ACC, for a maximum of approval of up to ten (10) days, may be allowed.

Trailers, motor homes (RV), tractors, trucks (other than pickup trucks), commercial vehicles of any type, campers, motorized campers or trailers, boat or other watercraft, boat trailer, or any related forms of transportation are allowed on a temporary basis for no more than three (3) consecutive days. If more than three (3) days is desired, the homeowner must obtain permission from the ACC, for a maximum of approval of up to ten (10) days, may be allowed.

In accordance with community rules in conformance with Section 10 (g) of Article VIII of the Declarations of Covenants., parking on the street is prohibited. Cars of the guests and invitees may be permitted to park in the street for a period not to exceed forty-eight (48) hours. Please use driveways and approved parking areas as an alternative.

Parking in the pool parking lot for longer than forty-eight (48) hours is not permitted without prior authorization from the ACC and HOA. Vehicles parked longer than 48 hours, without permission may be subject to towing at the owner's expense.

Q. *Solar Devices.* No artificial or man-made devices designed or used for collection of or heading by solar energy or other similar purposes are allowed without the approval of the ACC. If approved, solar devices must be installed at the rear of the house and may not be visible from the street.

Section III

Items Not Permitted

The items found under this Section III of the Design Standards will not be allowed or approved by the ACC.

1. ***Additional Permanent Structures.*** No shack, tent, barn, or permanent building will be permitted on any lot, unless otherwise allowed in previous sections.
2. ***Window Air Conditioning Units.*** The use or installation of window air conditioning units will not be permitted.
3. ***Clotheslines.*** Clotheslines will not be permitted on any property. No outside structure on any lot may be used to dry laundry.
4. ***Animal Housing.*** No Kennels, stables, rabbit and/or poultry houses are permitted on any lot or as part of any dwelling.
5. ***Debris or Toxic Chemicals.***

Branches, shrubs, grass clippings, lumber, bricks, rocks, stones, compost piles, and logs (other than appropriately cut firewood) are not allowed to be stored on any lot except for the purpose of being picked up by a professional disposal company.

Used oil, toxic chemicals, or debris of any sort is not allowed to be buried or disposed of in any manner on any lot.

Section IV

Yard Care Standards

The items in this Section IV layout the standards for the homeowner to maintain and enhance the collective property values of the Sutter's Pond neighborhood.

- ***Lawn Maintenance***

Lawn maintenance is a year-round requirement with some seasons requiring more attention than others. Regardless of the season, a neat appearance must be maintained. Weeds sprouting up in a lawn or weeds allowed to dominate the make-up of the "lawn" must be eliminated by mechanical or manual means. The landscaping must be maintained on every Lot consistent with the Community-Wide Standard (e.g., foundation plantings, lawn areas, etc.)

Weeding, mulching, edging, fertilizing, and insect control of the lawn and all plantings is required. Raising the mower blade height, especially during the warmer months, is strongly encouraged to maintain a neat and healthy appearance of the mowed lawn and to avoid scalping.

All lawns must be of warm-season turf. All lawns are to be cut regularly to maintain a maximum height of 6".

Dead Spots – If there is a turf area of 4 square feet of exposed dead grass, the homeowner must re-seed or sod the area.

Shade - If the warm-season grass has stopped growing due to shade, the homeowner must make adjustments to the bed line.

Planting and Foundation Beds – All current and developed planting/foundation beds must be weeded and/or mulched to present a neat appearance from the street and neighbors' views. Mulch or pine straw should be applied a minimum of once a year.

Trees – All trees and shrubs must be pruned and fertilized to maintain health and appearance.

Fruit trees must be cared for to prevent insect infestation.

- ***Edging - includes Hard Surface, Sidewalks, and Driveways***

Hard Surface – sidewalk, curb line, and driveway: All grass bordering hard surface needs to be edged every 7 – 10 days during the growing season.

Planting Beds – where the planting bed meets the grass: All planting beds are to be defined. No weeds should encroach from the grass into the mulched area – and vice versa.

- ***Foundation Tree/Shrub Planting***

1. All shrub plantings are to be neatly maintained and remain below the roofline of the house. No shrub planting is to obstruct any doorway, in front of home. No shrub planting is to encroach on an adjacent property. If a shrub planting is obstructing a doorway or encroaching on an adjacent property, the homeowner will need to address the issue.
2. Large Trees are to be neatly maintained and pruned. No Large Trees are to grow in such a manner to touch the house or obstruct a window or doorway. All Large Trees are to be pruned if the tree is hanging over the roofline of the home or onto an adjacent property or out in the public street.

- ***Planting Beds/Foundation Beds.*** All planting beds and foundation beds must be weed-free and grass-free. All planting beds and foundation beds must have a clearly defined bed line. All beds must have a clear separation between the turf and pine straw/mulch/rocks. The separation must be maintained mechanically or manually, not chemically, i.e. using Round-Up to define a border.

- ***Yard Related Issues***

No changes or barriers to the original flow of water drainage in the Community shall be made. Embankments are part of the Lots of Sutter's Pond Subdivision and must be regularly maintained by weeding and mowing/trimming to prevent erosion.

At any street intersection, fence, wall, hedge, shrubbery, tree, or any other installation, shall not block line of sight.

No compost areas or containers on any Lot have been approved by the ACC. Grass clippings may be used as mulch in an inconspicuous area in the backyard if the material is evenly distributed. Large clumps of grass scattered on lawns after mowing is not allowed.

Grass clippings, leaves, or other landscape debris shall not be disposed of or blown down storm drains, sewers, or embankments.

- ***In-Home Business.*** Your local government regulates in-home business. The following special requirements must be met:

- Permits and licenses are required from the appropriate government authorities.
- No sign or other advertising device of any nature shall be placed upon any lot or house.
- No exterior storage of business-related materials will be allowed on any lot.

- No in-home business-related vehicles are allowed to park on the street at any time.

G. ***Landscape Lighting.*** All landscape lighting changes must be submitted with plans and approved by the ACC.

Section V

Compliance, Notification, and Enforcement

A. Compliance. Compliance with the Declarations and Design Standards are required by each homeowner. A homeowner is considered in violation of being in compliance with the Declarations or Design Standards upon the following circumstances (the “Violation”):

- If improvements or changes to the exterior of the home or property are made without obtaining the written approval from the ACC.
- If improvements or changes are different than what was originally approved by the ACC.
- If a homeowner fails to or refuses to fulfill any of its obligations regarding the maintenance, repair, and replacement of items for which the homeowner is responsible for under the Declarations and Design Standards.
- If the homeowner is found to be in violation of any community wide standard as set out in the Declarations or Design Standards.

B. Notification. The *Sutters Pond HOA, Inc. Board of Directors* (“Board of Directors”) will provide notification to the homeowner found in Violation as follows:

1. **Verbal Notification.** The Board of Directors may notify the homeowner by email. Upon such notification, the homeowner will have twenty (20) days to resubmit the request to the ACC and present a plan to the Board of Directors as set out in the Declarations or the Design Standards. If the homeowner ignores or refuses to comply (and no special circumstances exist), then further action may be imposed.
2. **Certified Mail Notification.** The Board of Directors shall notify the homeowner by certified letter (“Violation Letter”): The Violation Letter will state the homeowner was verbally notified of the Violation. The homeowner will need to comply within the established timeframe set out in the Violation Letter. This Violation Letter will set forth the Violation and the required compliance for such Violation.

C. Enforcement. The objective of the Board of Directors and ACC is to maintain and enhance the collective property values of the Sutter’s Pond subdivision. After notification has been issued and the Violation has not been corrected as set forth by the written notification or Violation Letter, then the remedies for such Violation available to the Board of Directors as set forth in Article X of the Declarations or as further set out in the Design Standards include, but are not limited to, the following:

- i. To assess upon the homeowner for failure to take reasonable steps to remedy a Violation within twenty (20) days after the mailing of the

Violation Letter a \$100.00 per month fine until the Violation has been completely resolved.

- ii. Upon a homeowner's failure to take the reasonable steps to remedy a violation within twenty (20) days, the ACC has the right to contract out any work to be completed to remedy a Violation from a third-party vender and assess the cost plus a twelve percent (12%) annual interest to the homeowner.
- iii. The Board of Directors has the right to undertake legal action and in addition to any fines or costs of correction, which can include small claims court and/or placing a lien on the property, the homeowner shall be responsible for all reasonable attorney's fees and legal expenses incurred by the Association or the ACC in enforcing compliance with these Design Standards or the Declaration.

As a rule, all lots are different. Accordingly, every ACC Application will be evaluated based upon the individual lot and house placement, particularly in relation to other neighboring lots and house placements. For more detailed information about the purpose, powers, and duties of the ACC, please refer to Article II of the Declarations.

Section VI

Appealing a Decision from the Architectural Control Committee (ACC)

If you believe that a decision made by the Architectural Control Committee (ACC) regarding your property is unjust or incorrect, you have the right to appeal this decision.

The appeal process is designed to ensure fairness and provide an opportunity for homeowners to voice their concerns.

Steps to Appeal:

1. Review the Decision: Carefully read the ACC's decision letter to understand the specific reasons for the decision and the grounds on which it was made.
2. Gather Documentation: Collect all relevant documentation, including any communications with the ACC, photographs, plans, and any other evidence that supports your case.
3. Submit a Written Appeal: Within thirty (30) days of receiving the ACC's decision, submit a written appeal to the HOA Board of Directors. Your appeal should include:
 - o A clear statement of the decision you are appealing.
 - o The reason(s) why you believe the decision is incorrect or unfair.
 - o Any additional documentation or evidence that supports your appeal.
4. Schedule a Hearing: The HOA Board will review your appeal and may schedule a hearing to discuss the matter further. You will be notified of the date, time, and location of the hearing.

5. Attend the Hearing: Prepare to present your case at the hearing. You may be allowed to bring additional documentation, witnesses, or experts to support your appeal.
6. Await the Decision: After the hearing, the HOA Board will deliberate and issue a final decision. You will be notified in writing of the Board's decision within 30 days of receiving the appeal.

Important Notes:

The appeal process is intended to be fair and thorough. Please ensure that all communications are respectful and professional.

If you have any questions about the appeal process, please contact the HOA.

We value your input and are committed to resolving disputes in a manner that is fair and consistent with our community guidelines.

NOTE: This document does not supersede the Declaration of Covenants.

December 2025