

**KENTWATER**

**Design  
Standards**

## **Kentwater Homeowners Association, Inc.**

**Kennesaw, Georgia 30152      December, 2004**

### **Statement of Intent:**

The Kentwater Design Standards have been created to establish minimum design standards and recommendations for all installation, construction or alteration of any structure on any member lot within Kentwater. The purpose is to ensure external design consistency within the community and ensure that maximum property values are maintained throughout the community while keeping the best interest of all homeowners in mind. It is not the intent of these Design Standards to inhibit, or in any way restrict, external design creativity. The goal of these Design Standards is to achieve a variety of designs, blended together to create a visually pleasing community. These Design Standards supplement, but do not modify, replace nor limit any provisions of the Declaration of Protective Covenants for Kentwater (Declaration). In the case of a conflict between the Declaration and these Design Standards, the Declaration shall always control. The Design Standards are also subordinate to all state, county, or local building codes. The Architectural Control Committee (ACC) as established by the Declaration reserves the right to change these Design Standards as deemed necessary.

### **FINAL AUTHORITY**

The ACC shall from time to time adopt, promulgate, amend, revoke and enforce guidelines for the purpose of: 1) *governing the procedure for such submission of plans and specifications* and 2) *establishing guidelines with respect to the approval and disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of Structures and all other matters that require approval by the ACC pursuant to this Declaration.*

### **WHAT IF I DON'T WAIT FOR APPROVAL**

Proceeding with an improvement or alteration prior to obtaining written approval is a violation of the covenants and is done at your own risk. You could then face the cost of removing or modifying the alteration to comply with the ACC's decision. If no action is taken to resolve the violation, the ACC will take additional actions; a violation could ultimately impair your ability to sell your property.

In considering applications, the ACC will not be influenced for or against the application if work is commenced prior to approval. Therefore, residents are strongly urged not to undertake construction in advance.

**KENTWATER ARCHITECTURAL CONTROL COMMITTEE  
DESIGN STANDARDS  
For Kentwater Subdivision**

**1) General Guidelines for Architectural Control Committee  
Requests**

No structure shall be commenced, erected, placed, moved onto or permitted to remain on any lot nor shall any existing structure upon any lot be altered in any way which materially changes the exterior appearance of the structure or lot, unless plans and specifications therefore shall have been submitted to and approved in writing by the Architectural Control Committee (ACC). This includes repainting of homes, fence installations, and addition of swimming pools, tool sheds, dog houses, garages, room additions, and alterations in driveways, decks or porches. A homeowner who begins work before ACC approval, risks that the work will not comply with the Design Standards and could be subject to remedial action. Reference the violation sections contained herein.

No fees will be charged with any application unless the application requires the Homeowner's Association to expend funds during the approval process. Anytime the ACC seeks professional consultations for an approval request, the fee will be a minimum of \$50, but could be higher to ensure that all Association costs are reimbursed. The applicant will be notified up front if your application requires professional consultation.

Approval or disapproval is granted based on the specifications submitted with application. To preserve the architectural and aesthetic appearance of the development, the ACC upon written request, reserves the right to grant final approval when the specified project is completed. Improvement made to any lot or dwelling must be done in a professional and workmanlike manner. During the construction of any improvement, the homeowner is responsible for maintaining a reasonably clean and uncluttered lot.

Approval is in no way a guarantee of properly designed improvements nor certification that the construction meets safety standards. The Association, Board of Directors, Officers of the Association, and the ACC shall not be liable for any defects in any plans and specifications that it approves. In every case, all dwelling changes and other structures shall be constructed in compliance with any and all applicable state, county, and municipal zoning and building restrictions.

**2) Submitting Improvement Applications to the ACC**

a. All requests must be addressed to:

**KENTWATER ACC  
P.O. Box 801146  
Acworth, GA 30101**

**Revised April 29, 2014**

- b. Any request not properly addressed will be returned to the homeowner without being approved.**
- c. ACC requests will be picked up from the mailbox on the 1<sup>st</sup> and 15<sup>th</sup> of the month, or on the Monday closest if the 1<sup>st</sup> or 15<sup>th</sup> falls on a weekend or holiday.**
- d. The thirty day clock starts upon receipt (1<sup>st</sup>/15<sup>th</sup> ) of mail. Homeowner will be notified via US mail within 30 days of status of their request.**

**1) NOTE:**

- 1. Clock begins on the 15<sup>th</sup> if an item is received after the 1<sup>st</sup> and prior to the 15<sup>th</sup>**
  - 2. Clock begins on the 1st if an item is received after the 15th and prior to the 1st**
- e. Two sets of site improvement plans are to be submitted along with a written request describing the work in detail. The greater the detail the less the chance for delay. If plans or intention are not clear it may require resubmission for further clarification and cause delay.**
  - f. All approved work must begin within 12 months from the date of approval otherwise the plans will need to be resubmitted. Work must be completed within a reasonable period of time.**
  - g. Blank forms for Architectural Modifications are attached to this document or the forms can be obtained from an ACC member or the Board of Directors.**

### **3) Violations of Design Standards**

- a. Homeowner will be notified in writing of any violations on their property.**
- b. Notification will include a time frame and instructions to correct the violation as to how much time it will take to come into compliance.**
- c. Homeowner must notify the Board of Directors when the corrections have been made.**
- d. After 30 days the homeowner may be fined \$10 or more for each day the violation exists.**
- e. If the violation is a problem with exterior maintenance (such as an unkempt lawn), the Board of Directors may hire an outside firm to fix such violations at the homeowner's expense.**

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## **GENERAL DESIGN STANDARDS & RESTRICTIONS**

### **1) ANIMALS**

- a. 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.**
- b. No animal shall be allowed to become a nuisance.**
- c. Feces visible from the street must be removed by the owner of the animal or the person responsible for the animal.**
- d. 6.11**

### **2) ANTENNA/SATELLITE DISHES**

- a. Satellite dishes must be one (1) meter or less in diameter and designed to receive direct broadcast satellite service. Antennas must be one meter or less in diameter or diagonal measurement and designed to receive video programming service via MMDS (wireless cable) or must be designed to receive local television broadcast signals.**
- b. The antenna or satellite dish must be placed in the location that is least visible to public view, while still receiving an acceptable signal. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface, or on the surface of the exterior siding or brick of any home. The ACC may require that the antenna be painted so as to blend into the background to which it is mounted or placed.**
- c. Antennas / Satellite dishes maybe installed in the subdivision for signal reception only, not for signal transmission.**
- d. Maintenance & Repair - The owner and occupant shall be responsible for the maintenance and repair of the satellite dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation, (ii) Repainting or replacement, if for any reason the exterior surface of the satellite dish becomes worn, disfigured or deteriorated, or (iii) Repair or replacement to prevent the satellite dish from becoming a safety hazard.**
- e. 6.15**

### **3) ARTIFICIAL VEGETATION, EXTERIOR SCULPTURE, & SIMILAR ITEMS**

- a. Exterior in ground or potted artificial vegetation is prohibited.**
- b. Artificial wreaths may be used and do not require ACC approval.**
- c. Exterior sculpture, flag-poles, fountains, bird baths, wagon wheels, free-standing poles of all types, and similar items must be approved by ACC.**

**4) AWNINGS OR CANOPIES**

- a. Prior written approval must be obtained from the ACC before installing awnings on windows, decks, or any other part of the dwelling. The color of the awning material must be approved and conform to the aesthetic appearance of the dwelling, trim colors and the community. Awnings must be professionally designed, manufactured and installed to meet all safety standards recommended by the manufacturer. The awning will be a solid color. Trim can be in a contrasting color that enhances the overall beauty of the awning. The awning must be maintained in a „like new“ condition and kept clean in appearance. The ACC reserves the right to require awnings not properly maintained be removed at the Owner“s expense.
- b. 5.5, 6.9

**5) BASKETBALL GOALS**

- a. Basketball goals may not be affixed to a house/tree/utility pole or fence.
- b. Portable basketball goals should be properly weighted according to manufacturer“s guidelines to prevent tipping. The use of sand bags or other items piled on the base is not permitted.
- c. All basketball goals must be maintained in “like-new” condition. This includes having a net with no tears, poles that show no signs of rust, and backboard showing no signs of wear.
- d. No chain nets are allowed.
- e. Poles must be metal, painted, and maintained in the manufacturer“s original color.
- f. Backboards may be transparent or white fiberglass.
- g. Specifications and location must be submitted to the ACC prior to placement.

**Driveway Locations (Portable Only)**

**i. Front Entry Garages**

- 1. Goals placed on the side of the driveway shall be placed closer to the house/garage than to the street
- 2. Goals may be located abutting the garage between the garage doors
- 3. Goals placed along the side of the driveway shall be placed on the side of the driveway that is closer to the property line.

- ii. Side Entry Garages
  - 1. Goals shall be placed at the rear of the driveway, closer to the house/garage than to the property line

**Rear of the house (Portable or Permanent)**

- 1. Basketball goals may be placed in the rear of the house.

**6) CLOTHESLINES**

- a. Outside clotheslines or other outside facilities for drying or airing clothes shall not be permitted on any lot/yard.
- b. 6.24

**7) CONCRETE/CEMENT WORK**

- a. All concrete or cement work such as patios, walkways, extended parking areas, basketball playing areas, require the approval from the ACC prior to the start of the project.

**8) DEBRIS**

- a. No rubbish or debris, including but not limited to yard waste, lumber, metal, or waste of any kind, shall be dumped, placed or permitted to accumulate on any lot.
- b. Rubbish and debris must be properly stored out of view until after 5 PM of the evening prior to pickup. Containers used to haul debris to the curb-side must be re-stored by 11 PM of the evening of pickup.
- c. No person shall dump debris on any Lot or on the Common Property.
- d. 6.17

**9) DECKS**

- a. Decks should not extend past the sides of the house.
- b. Materials must be cedar, redwood, pressure treated pine or composites of wood products and recycled plastic (such as Veranda or TexPro).
- c. Color. The finish to all wood surfaces shall be:
  - i. Opaque (solid) stain or exterior paint in white or house trim color, OR
  - ii. Natural Finish (untreated), OR\
  - iii. Sealed (clear/transparent waterproofing with no color), OR iv. Transparent stain compatible with the exterior color scheme of the house.
- d. Vertical supports for wood decks must be a minimum 4x4 inch wood posts or black painted metal poles.
- e. All changes or additions to the deck must be approved by the ACC.

**10) DRIVEWAYS**

- a. Each homeowner shall keep his driveways in good order and repair
- b. Alterations of or additions to driveways must be concrete and should be similar in color to the existing driveway.
- c. A site plan detailing all alterations or additions must be submitted to the ACC prior to the start of the project for approval.



**11) EROSION CONTROL**

- a. No activity that may create erosion or silting problems shall be undertaken on any lot.
- b. All site-work and grading shall be subject to the approval of the ACC.
- c. The natural grade of a lot is not to be raised or altered in any way to adversely affect an adjacent property owner or owners.
- d. Each homeowner shall cover bare ground with pine straw, mulch or similar cover to prevent soil erosion.
- e. 6.26

**12) EXTERIOR MAINTENANCE, UNSIGHTLY OR UNKEPT CONDITIONS**

- a. All planting areas should be properly maintained at all times. After the first frost, all affected material should be removed. At the end of the growing season, all dead plant material should be removed. Bare ground should be covered with pine straw, mulch or similar cover to prevent soil erosion.
- b. The use of railroad ties is prohibited.
- c. Landscape Timbers and Mulch Bed Edging. Complementary types of edging material are permitted on each Lot. Edging must be no higher than 4" from the ground. Edging products are confined to landscape pavers, brick without holes, decorative aggregate block, and commercially obtainable edging in wood or stone. Colors of edging material are confined to black, medium or dark brown, dark green, or rust red. Edging of wire, metal, and/or plastic, above ground level is not permitted. An application is required for any type of edging products. Ongoing work as needed by the respective homeowners to maintain these structures in good condition is required.
- d. Outdoor storage of garden tools, hoses, etc. must be screened from view of adjacent properties and streets.
- e. Each homeowner shall keep his entire lot (front, sides and back) and all improvements thereon in good order and repair. This includes seeding, watering, mowing, pruning and cutting of all trees and shrubbery, and the painting and other appropriate external care of all buildings and improvements. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding community.
- f. Each homeowner is responsible to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition upon any portion of their property. Debris of any type shall be regularly removed and not allowed to accumulate.
- g. Should any Owner fail or refuse to maintain his Lot in such condition, the Association shall be entitled to provide written notice to such Owner of the deficiencies in maintenance, as determined by the Association. If such deficiencies in maintenance are not corrected within thirty (30) days after receipt of such written notice by such

Owner, the Association may, at the expense of the Owner, enter the Lot and perform such maintenance. The cost of such maintenance may be specially assessed against the Owner of such Lot, and the Association shall have lien rights therefore as in the case of other Assessments.

**h. 6.22**

**13) FENCES**

- a. Construction of all fences and walls is subject to ACC approval PRIOR to their construction. Submit an accurate and properly drawn:**
  - i. site plan noting the location of the fence or wall on the lot,**
  - ii. profile picture or drawing of the type of fence or wall including the height,**
  - iii. fence construction material, hardware.**
- b. All fencing and walls must have the finished side out. Walls may be constructed of any generally approved construction material but the exposed face of any side visible to the street must be natural stone, brick, landscape stone, landscape timbers, stucco, painted concrete, Dryvit, or veneered with brick or natural stone. Retaining walls may be installed anywhere on the property but need ACC approval. Decorative walls are not allowed in the front of the house. Fences and walls must be maintained in “as designed” condition and sections replaced as they become unsightly or broken.**
- c. Fences are allowed in rear yard only. Fences must be closer to the rear corner foundation of a residence than to the front corner, and should extend as straight toward the side property line as is reasonably possible. Side entry homes or homes with a sunroom may require modifications to this rule as determined by the house positioning on the lot. On corner lots, the fence shall not be closer to the street than the building line of the lot. Fences will not be constructed short of the rear or side property lines or left open (two sided) on any side unless circumstances require this – ex. topography, woods, lake.**
- d. Appendix A provides a list of currently approved fence types. Additional styles may be approved at the discretion of the ACC. All fences will be made of wood and shall be allowed to weather naturally. The only color allowed is natural wood. Homeowner may treat fences with natural-colored weather sealant. Barbed wire fencing and chain link fencing are not allowed. Dog runs must meet all standards described for fencing but will not be required to reach to the side property lines.**
- e. Fencing or walls in easements or drainage areas must not interfere with the flow of storm water or access as deemed by the easement.**

**Lots with easements may need special approval from the agency or authority that has or maintains the easement.**

**14) GARAGES**

- a. All garages should have doors and each door should be coordinated in design and color with the house to which it belongs.**
- b. Garage doors should remain closed except for ingress or egress or reasonable use.**
- c. Detached garages are allowed and must use the same building materials as the main dwelling. A detailed site plan must be submitted to the ACC showing the location of the garage.**
- d. 6.6, 6.7**

**15) GARBAGE CANS, WOODPILES, ETC**

- a. Garbage cans, woodpiles, and other similar items should be located and/or screened from view of adjacent properties and streets.**
- b. Garbage cans can be placed at the curb no earlier than 5:00 PM of the evening preceding garbage pickup and shall be removed from the curb no later than 11:00 PM on the night of garbage pickup**
- c. 6.17**

**16) HOLIDAY DECORATIONS**

- a. Installation of decorations should be no earlier than 30 days prior to the holiday**
- b. Removal should be no later than 15 days after the holiday**

**17) LAKES/PONDS/CREEKS/STREAMS**

- a. No Owner or their guests shall swim nor permit any pets to swim in the lake, operate any boats, canoes or any other water craft on the lake nor build any docks or any other improvements into the lake or on any portion of the Common Property surrounding the lake.**
- b. No Owner should build any structure adjacent to the lake without the approval of the Architectural Control Committee.**
- c. 6.30**

**18) LIGHTING**

- a. Exterior lights or lighting fixtures not included as part of the original structures must be approved by the ACC. All exterior lighting should be of low level, non-glare type, located to cause minimum visual impact on adjacent properties and streets.**

## **ACCENT, WALK & MINI SPOT LIGHTS.**

### **Ground Lighting:**

- 1) Site plan must be submitted to the ACC.
- 2) The plan should include:
  - a. type of lights -i.e. electric or solar
  - b. height of lights
  - c. distance/spacing between lights
  - d. how many lights
  - e. the wattage to be used with the lighting.
- 3) Only white lights are allowed if electric - all cabling to be buried. If solar lights are used - they may give off white/yellow/blue hue. Intermixing colored lenses are permitted during November 26 through and including January 6.
- 4) All outdoor lighting must be well maintained and in working order.

### **General Lighting:**

- 1) To be used only in adjoining landscape areas, walkways, driveways, and/or houses.
- 2) Only mini-spots (no more than twenty watts) are allowed as up lighting, and back lighting.
- 3) Up lighting is used to feature trees, bushes, or the house.
- 4) Down lighting is used for pathways, driveways, stairs, decks, and simulated shadows from landscape features.
- 5) Back lighting is the use of indirect lighting to silhouette an object against a lighted surface such as a wall or fence.

### **Security Lighting:**

- 1) Lighting equipped with motion detectors for security purposed is acceptable as long as it does not constitute a nuisance for adjoining properties.

### **Nuisance Lighting:**

- 1) Care should be taken to insure that lighting does not create a nuisance for adjacent neighbors

## **19) MAILBOXES**

- a. A maximum of 1 mailbox is permitted for each lot/home and must be placed on the left side of the driveway as looking at the house from the street. It must be installed and maintained properly so as not to allow it to lean or fall over. It must conform in style and material used

throughout Kentwater and as provided by the builder. It must be gloss black in color and maintained in like new condition, free from rust.

- b. Decorative plants or shrubs are permitted so that they do not interfere with the delivery of mail or use of any sidewalk or roadway. No other structures, such as planters or landscaping timbers, are permitted at the mailbox.
- c. Should it be deemed necessary by the ACC to replace a mailbox or mailbox-post the ACC will make arrangements for a replacement mailbox according to the approved style guidelines.

**20) NON-PASSENGER VEHICLES**

- a. Non-passenger vehicles (including, but not limited to, boats, boat trailers, full-size vans, recreational vehicles, vehicles used primarily for commercial purposes, and vehicles with commercial writing on their exterior) are prohibited from being left unattended, except in garages or other areas designated by the Board as parking areas for particular types of vehicles.
- b. Recreational vehicles may not be used to live in while on the Property.
- c. Disabled and stored vehicles are prohibited from being parked on the property.
- d. 6.16

## **21) OUTBUILDINGS**

- a. Aside from the main dwelling and other structures listed here no other outbuildings will be permitted on any lot.
- b. All outbuildings placed on any Lot shall be located only behind the residence as such residence fronts on a street
- c. Electrical or telephone wires, and plumbing running to the outbuildings must be underground.
- d. A site plan must be approved by the ACC showing the location and details of the outbuildings.
- e. Each homeowner shall keep the outbuilding in good order and repair.
- f. 6.7

## **TENTS**

- a. With ACC approval, a temporary exception may be granted for certain social functions.
- b. Camping tents are allowed, without approval, as long as they are not to remain up for more than 72 hours.

## **GAZEBO**

- a. Materials must be cedar, redwood, pressure treated pine or composites of wood products and recycled plastic (such as Veranda or TexPro).
- b. All gazebos will be reasonably proportioned with the lot size and location

## **SHEDS**

- a. All such structures must be made of wood and finished in the material and similar in color of the house to which it belongs. The roof must be finished with the same color shingles as the house.
- b. The shed should be located at least 10 feet from any adjacent property line and may not be attached to the home.
- c. Sheds may not be larger than 120 square feet or reach more than 13 feet above grade. The smallest side should face the street. The width (street side) to the length ratio cannot be less than .8.  
Ex: W=10 L=12 ratio W/L 10/12= .83
- d. Sheds should always be placed on the most level ground. No subterranean structures are allowed.

## **22) PAINT**

- a. All exterior painting, including, but not limited to, siding, trim, shutters, stucco, doors, gutters and downspouts are subject to approval by the ACC. The ACC has the right to have the dwelling repainted at the sole cost of the owner if ACC approval is not obtained
- b. In order to accurately assess paint color the homeowner will be required to paint the desired color on a primed board provided by the

**ACC, prior to obtaining approval. After approval the homeowner shall prime the board before returning to the ACC.**

- c. A house may not be painted the same color as a house on any adjacent or facing lot, including the houses on each side of the facing house.**
- d. List of approved paint colors may be obtained from ACC**

**23) PARKING**

- a. All homeowners' vehicles must be parked entirely within the garage, driveway, or other paved parking area.
- b. Parking in yards is prohibited.
- c. Vehicles may not be parked in the street where they restrict the safe flow of traffic per Cobb County Ordinance and enforced by Cobb County Police. This applies to most of Kentwater as there is not adequate room for two cars to pass with a car parked in the street. With the exception of visitors, guests, or realtors, "on street parking" is therefore discouraged.
- d. Any vehicles parked in the street must have valid tags and be facing the direction of traffic and be parked at the curb.
- e. No cars are allowed to park in the street where they obstruct other homeowners' driveways or access to their homes.

**24) PLAYHOUSES**

- a. All such structures must be made of wood and finished in the material and similar in color of the house to which it belongs.
- b. The playhouse should be located at least 10 feet from any adjacent property line and may not be attached to the home.
- c. Playhouses may only be used as playhouses not for storage.
- d. They may not be larger than 100 square feet or reach more than 13 feet above grade.
- e. They should always be placed on the most level ground. No subterranean structures are allowed.
- f. Electrical or telephone wires, and plumbing running to the playhouse must be underground.
- g. A site plan must be submitted to and approved by the ACC showing the location and details of the playhouse.
- h. 6.7, 6.9, 6.25

**25) SIGNS**

- a. Signage should be kept to a minimum
- b. For Sale – Only one For Sale sign having a maximum of four square feet is allowed in front yard of any property. In addition to For Sale sign, one additional sign is allowed at the front entrance, in the center median.
- c. Security Signs – A security sign may be placed at any door entrance and should be placed as close to door entrance as possible. No signs should be placed by mailbox or street. Signs shall not exceed four inches by four inches.
- d. Trade Signs - Trade Company Signs are only permitted during the time renovations are being performed on the lot and/or dwelling.



- e. **Political Signs** – Political Signs are allowed during an election period. The Signs must be no larger than six square feet in area, and shall not be installed more than ten days prior to the election date, and will be removed within twenty-four hours following the election date.
- f. **Directional Signs** – Will only be allowed per Cobb County Sign Ordinance.
- g. **Legal Proceedings** – Signs related to official legal affairs such as building permits, variance notices, foreclosures, etc. are limited to those required by law.
- h. **Others Signs** – Any other type of sign not noted above requires approval by Kentwater ACC prior to installation.
- i. **The Board shall have the right to erect reasonable and appropriate signs on behalf of the Association.**
- j. **6.13**

**26) SWIMMING POOLS/SPAS**

- a. Above ground swimming pools should not be erected, constructed or installed on any lot (except for small under 12”deep, portable "kiddie" wading pools).
- b. Spas must be screened from adjacent properties and from the view of the front street or streets if a corner lot.
- c. Swimming pools, spas, pumps and pool equipment must be located in the rear of the dwelling where it will not cause a nuisance and should be concealed from adjacent properties and from the view of the front street or streets if a corner lot.
- d. Equipment housing must be consistent in material with the main dwelling to which it belongs including but not limited to siding, trim, colors and roofing.
- e. Lots with in ground swimming pools must be fenced in accordance to Cobb County Ordinance and Kentwater Design Standards.
- f. All plans for in ground pools, spas and pool equipment buildings must be approved by the ACC committee on its own merit as to location and design prior to construction.

**27) SWING SETS/RECREATION &PLAYGROUND EQUIPMENT**

- a. Swing sets, trampolines and playgrounds must be located in the rear of the dwelling.
- b. The units must be situated at least ten feet from the adjacent owner's property line.
- c. Playgrounds and swing sets should be constructed of wood with natural wood color. No metal playground/swing sets are permitted.
- d. Plants, trees and shrubs are encouraged to be used to help minimize prominent visibility of the unit.

- e. Trampolines should be placed in the rear where they are least visible from view of the front street or streets if on a corner lot.
- f. Swing sets, trampolines and playgrounds shall be subject to the approval of the ACC as to the location and design
- g. 6.25

**28) TREE REMOVAL**

- a. No tree shall be removed without the express consent of the ACC except for
  - i. Diseased or dead trees
  - ii. Trees needing to be removed to promote growth of other trees.
    - 1. Removal of trees having a diameter of three (3) inches or more (measured from a point two (2) feet above ground level) shall be limited to ten (10) without ACC approval

**29) WINDOWS**

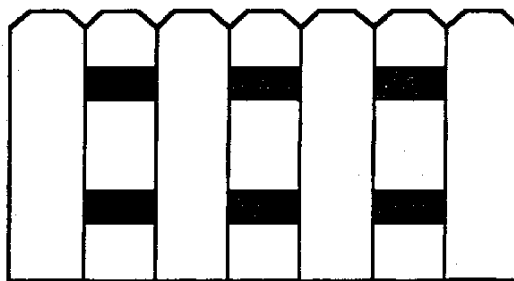
- a. Windows in front of the house and visible sides of the house from the street must have window grills either all in or all out.
- b. Windows in front of the house and visible sides of the house from the street must have screens either all in or all out, excluding stationary windows.
- c. No permanent or semi-permanent units which affix to the sides of the window or to the house and keep the window from closing may be installed, this includes but is not limited to air conditioners, heaters and fans.

## Appendix

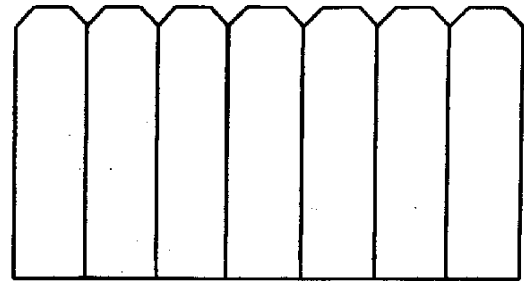
### Kentwater Fences

These are examples of the approved fence types for Kentwater. All fences must be approved prior to installation by the ACC.

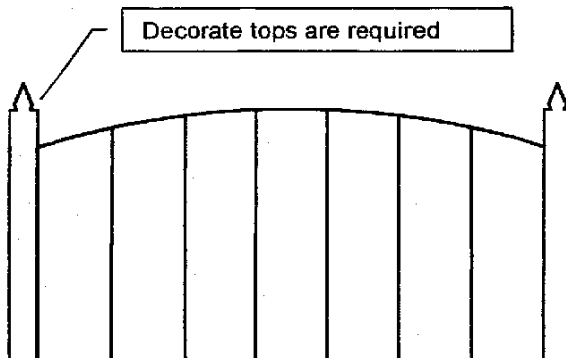
Fence type	3 Feet	4 Feet	5 Feet	6 Feet
Shadow Box - A	No	No	No	Yes
Privacy - C	No	No	No	Yes
Standard Picket - D	Yes	Yes	No	No
Stockade - B	No	No	No	Yes
French Gothic Picket - E	Yes	Yes	No	No



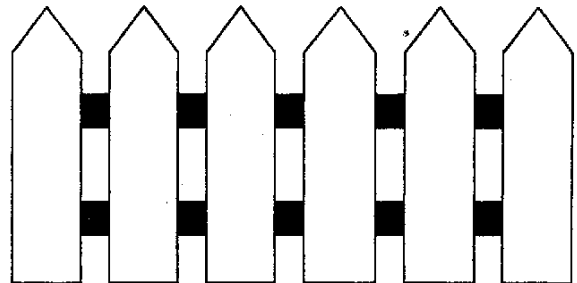
Shadow Box - Fence A



Stockade - Fence B

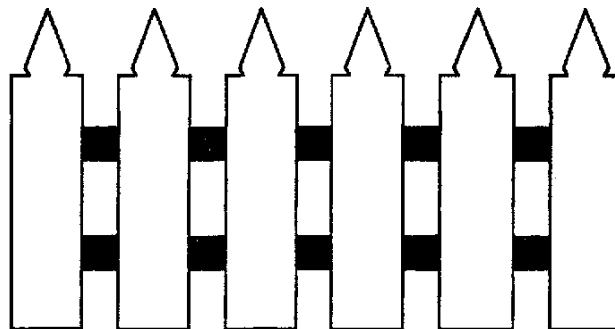


Privacy Fence - Fence C



Standard Picket - Fence D

4 x 4 post show  
between panels



French Gothic Picket - Fence E

\* NOTE: Fence types, materials and heights may be modified, subject to approval.

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## Glossary

**Act** shall mean the Georgia Property Owners' Association Act, O.C.G.A. Section 44-322, et seq. (Michie 1982), as such act may be amended from time to time.

**Architectural Control Committee** shall mean the committee established pursuant to Article V to supervise compliance with the "Design Standards."

**Articles** shall mean and refer to the Articles of Incorporation of the "Association," as amended from time to time.

**Association** shall mean Kentwater Homeowners Association, Inc., a Georgia nonprofit corporation, or any successor thereof, charged with the duties and obligations of the Association hereunder, its successors and assigns.

**Board** shall mean the Board of Directors of the Association, duly elected and acting pursuant to the Articles and "Bylaws."

**Bylaws** shall mean and refer to the Bylaws of the Association which have been adopted by the Board, as they may from time to time be amended.

**Common Property** shall mean all real and all personal property in which the Association owns an interest for the common use and enjoyment of all the "Owners." Said interest or interests may include, without limitation, estates in fee, estates for a term of years, usufructs or easements.

**Declarant** shall mean and refer to: (a) Kentwater Partners, L.P., a Georgia limited partnership (herein referred to as the "Original Declarant"); or (b) any successor-in-title to the Original Declarant to all or some portion of the Submitted Property, provided such successor-in-title shall acquire such property for purposes of development or sale, and provided further, that in a written instrument, such successor-in-title is expressly designated as Declarant hereunder by the grantor of such conveyance, which grantor shall be Declarant hereunder at the time of such conveyance.

**Design Standards** shall mean the standards adopted, promulgated, amended, revoked and enforced by the Architectural Control Committee pursuant to Article V.

**Governmental Requirements** shall mean all laws, ordinances, rules, and regulations of any governmental authority, presently in effect or hereafter enacted, as amended from time to time.

**Lot** shall mean a parcel of land designated as a lot on a subdivision "plat" recorded in the office of the Clerk of the Superior Court of Cobb County, covering any portion of the property.

**Member** means any member of the Association

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## Glossary

**Membership** means the collection total of all Members of the Association

**Occupant** shall mean any Person who is in possession of a Lot.

**Owner** shall mean the record owner (including Declarant), whether one or more Persons or entities, of the fee simple title to any Lot; provided, however, that where fee simple title has been transferred and is being held merely as security for the repayment of a loan, the Person or entity who would own the Lot in fee simple if such loan were paid in full shall be considered the Owner.

**Person** shall mean a natural person, corporation, partnership, association, trust, or other legal entity, or any combination thereof.

**Plat or Plats** means the subdivision plat or plats, with respect to the Submitted Property, to be recorded in the Office of the Clerk of the Superior Court of the county in which the Submitted Property is located and the subdivision plats which shall be recorded with respect to any portion of the Annexation Property which is made subject to this Declaration by Annexation.

**Property** means that real estate which is submitted to the Act and the provisions of this Declaration, as described in Exhibit "A" attached hereto and incorporated herein by reference. The Property is a residential property owners development which shall be subject to the Georgia Property Owners' Association Act, O.C.G.A. ' 44-3-220, et seq. (Michie 1982), as may be amended, upon the first to occur of (i) such time designated by Declarant in a written instrument recorded by Declarant in the deed records of the county in which the Submitted Property is located, or (ii) the date upon which every Lot has been conveyed by Declarant to Persons who have not purchased such Lots for the purpose of construction of a residence and resale of such Lot and residence (with Declarant retaining no further interest or estate in the Submitted Property). Prior to the occurrence of the first to occur of clauses (i) and (ii), above, the Property shall not be subject to the Act, and any reference to the Act in this Declaration shall be construed to apply only at such time as the Property is subject to the Act.

**Restrictions** mean all covenants, restrictions, easements, charges, liens and other obligations created or imposed by this Declaration.

**Structure** means: (a) any thing or object, the placement of which upon any Lot may affect the appearance of such Lot, including, by way of illustration and not of limitation, any building or part thereof, garage, porch, shed, greenhouse or bathhouse, coop or cage, covered or uncovered patio, swimming pool, fence, curbing, paving, wall, tree, shrub, sign, signboard, temporary or permanent living quarters (including any house trailer) or any other temporary or permanent improvement to such Lot; (b) any excavation, grading, fill, ditch, diversion dam or other thing or device which affects or alters the natural flow of surface waters from, upon or across any Lot, or which affects or alters the flow of any waters in any natural or artificial creek, stream, wash or drainage channel from, upon or across

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## Glossary

any Lot; and (c) any change in the grade at any point on a Lot of more than six (6) inches, whether or not subsection (b) of this Section applies to such change.

**Subdivision** means the Submitted Property.

**Two-Thirds Vote** means a favorable vote by at least two-thirds (2/3) of the Owners who are voting in accordance with the provisions of the Bylaws of the Association, this Declaration and/or applicable law

**Kentwater Homeowners Association  
Architectural Modification Request Form**

**To: Kentwater Architectural Control Committee**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**I, the homeowner of record at the above address, request the committee review and approve alterations/property improvements in accordance with paragraph 5.6, Architectural Approval in the Declaration of Covenants for Kentwater.**

**Description of alteration/property improvement and materials to be used or waiver requested:**

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<b>Paint Brand:</b>	<b>Color #/Code:</b>	<b>Color Name:</b>
<b>Desired Start Date:</b>		

**(Disclaimer: The desired start date is for information purposes only, and shall in no way construe an obligation or commitment on behalf of the ACC to expedite the approval process.)**

**Please attach additional narrative (if necessary), a sketch to include lot plat, and any other item that may assist the committee in determining the appropriateness of proposed change. The inability to clearly define impact on the architectural and aesthetic appearance of the development could lead to unnecessary delays.**

**Neither the Association, Board of Directors, Architectural Control Committee or any other member of the forgoing, shall be liable for any injury, damages or loss arising out of the matter of quality of any approved construction on/or modification to any lot, nor for insuring the compliance with Building Codes or other Government requirements or the structural integrity of the improvement.**

**Approvals will be returned via US mail within 30 days of receipt date.**

<hr/> <b>Date</b>	<hr/> <b>Signature of Owner</b>
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**Please submit request and appropriate documents to: Kentwater Homeowners Association, Attention: ACC, P.O. Box 801146, Acworth, GA. 30101.**

**For ACC use only: Request #:** \_\_\_\_\_ **Approved:** \_\_\_\_\_ **Disapproved:** \_\_\_\_\_  
**Comments:**

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**Signature of ACC:** \_\_\_\_\_

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Architectural Modification Request Form**

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Paint Brand:** \_\_\_\_\_ **Color #/Code:** \_\_\_\_\_ **Color Name:** \_\_\_\_\_

**Desired Start Date:** \_\_\_\_\_

**(Disclaimer: The desired start date is for information purposes only, and shall in no way construe an obligation or commitment on behalf of the ACC to expedite the approval process.)**

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**Comments:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signature of ACC:** \_\_\_\_\_  
\_\_\_\_\_