

**RULES OF THE
GATES AT VININGS HOME OWNER'S ASSOCIATION, INC.**

ARTICLE I

**ABOLITION OF EXISTING RULES, REGULATIONS AND GUIDELINES, IF ANY;
EVENT OF CONFLICT**

Any and all existing rules, regulations and guidelines concerning the use of The Gates at Vinings, or any portion thereof, excepting only those contained in applicable law, the Association's Declaration and its Bylaws, are hereby abolished, and shall hereafter be of no force nor effect; provided, however, that modifications made by members to their property within The Gates at Vinings prior to October 23, 2021 are hereby approved and shall not be deemed in violation of the following Rules or subsequent amendments hereto.

Reference is hereby made to all applicable laws, the Association's Declaration and its Bylaws. In the event that the following Rules, or any portion thereof, conflict with applicable laws, the Declaration or the Bylaws, such applicable laws, the Declaration or the Bylaws shall prevail. However, the remaining nonconflicting Rules, and any and all nonconflicting portion of the Rule found to be in conflict, shall remain in full force and effect.

ARTICLE II

THE RULES

Unless the content otherwise requires, terms used in these Rules shall have the same meanings as those terms defined in the Declaration. Other terms shall have their natural meanings or the meanings given in the Declaration, the Articles of Incorporation, or the Georgia Nonprofit Corporation Code. The following Rules are hereby made and established, and shall, so far as is provided herein, govern the use of The Gates at Vinings or any portion thereof, including, without limitation, the Common Areas.

Note To Members: Where submission of a Form is required by these Rules, reference is made to the Form attached as Exhibit A. The completed Form, with any required attachments, shall be submitted to the Architectural Control Committee ("Committee") for its review and decision.

Rule 1: PATIOS AND WALKWAYS

- (A) Submission of a Form is required for all patios or walkways in front of the house.
- (B) Except as required below in this Rule1, submission of a Form is required for patios and walkways in the back of the house if the back of the house is visible by an adjacent home or is visible from the street.

- (C) Submission of a Form for a patio in the rear yard is not required if:
 - (1) the patio does not extend beyond the sidelines of the house and does not extend to within ten (10) feet of the side property lines; and,
 - (2) the patio does not exceed six (6) inches above ground level at any point.

- (D) Submission of a Form for a walkway in the rear yard is not required if:
 - (1) the walkway does not extend beyond the sidelines of the house and does not extend to within ten (10) feet of the side property lines; and,
 - (2) the walkway does not exceed four (4) inches above ground level at any point.

Rule 2: EXTERIOR OBJECTS AND LIGHTING

Except as provided below, submission of a Form is required for all exterior manmade objects, including objects attached to approved structures, and visible from any Gates at Vinings street or from any adjacent home. A Form is not required if the object is shielded within a private rear yard fenced area or is otherwise not visible from any Gates at Vinings street or from any adjacent home.

- (A) Tasteful front door and entry area objects that are in keeping with the style and colors of the house, and healthy, neatly maintained entry area and front porch flowerpots that match exterior color containing evergreens/flowers, do not require submission of a Form.

- (B) Submission of a Form is not required for a single flagpole staff attached to the front portion of a house. Upright commercial type flagpoles are prohibited.

- (C) Except as provided below, submission of a Form is required for all exterior lights or lighting fixtures not included as a part of the original structure. A Form is not required if:
 - (1) lighting does not exceed twelve (12) inches in height above the ground; and,
 - (2) lights shall:
 - (a) not exceed one-hundred (100) watts;
 - (b) be white or clear, non-glare type; and,
 - (c) be located to cause minimal visual impact on adjacent properties and streets.

Rule 3: GARDEN PLOTS

Garden plots are planting areas or beds that contain anything other than ornamental plants. Vegetables, herbs, peanuts, watermelons and similar plants are not ornamental.

- (A) A Form shall be submitted for garden plots unless all of the following conditions are met:
 - (1) The plot is located behind the rear line of the house;
 - (2) The plantings are in keeping with the general horticultural appearance of the community;
 - (3) The plot must be properly maintained per the community standards; and,
 - (4) The plot is not visible from an adjacent home or a Gates at Vinings street.

Rule 4: PLAY EQUIPMENT, PLAY HOUSES AND TREE HOUSES

- (A) Submission of a Form is not required for play equipment if the play equipment is located:
 - (1) within the extended sidelines of the house;
 - (2) in the rear yard;
 - (3) within the screened fenced area of the rear of the house, if yard is fenced; and,
 - (4) such that it will not be visual from adjacent houses or the street.
- (B) Metal play equipment, exclusive of wearing surfaces (slides, poles, climbing rungs, swing seats, etc.) are preferred to be painted to blend into the surrounding environment (earth tone colors comparable to dark green or brown).
- (C) A Form shall be submitted for all play houses and tree houses. Play houses and tree houses shall not be permitted unless approved by the majority of homeowners at a regular or special meeting of the Association. Approved play houses and tree houses shall be located where they will have a minimum visual impact to adjacent properties. Material use should match existing materials of the house and the play house or tree house may not be larger than one hundred (100) square feet.
- (D) All play equipment, play houses and tree houses shall be properly maintained in good and safe condition.

Rule 5: BASKETBALL GOALS

Should an owner desire a basketball goal, submission of a Form is required and the following shall be met:

- (A) The Form shall contain the signatures showing approval of all neighbors who may be impacted by play;
- (B) The backboard shall be white, beige, clear or light gray; and,
- (C) The post will be painted black.

Please be considerate of your neighbors and limit play between the hours of 9 a.m.– 9 p.m.

Rule 6: PRIVATE POOLS AND HOT TUBS

- (A) Submission of a Form is not required for children's portable wading pools (those that can be emptied at night) that do not exceed eighteen (18) inches in depth and whose surface area does not exceed thirty-six (36) square feet. Other above-ground pools are prohibited.
- (B) Submission of a Form is required for all in-ground pools and exterior hot tubs.
 - (1) Appearance, height, and detailing of all retaining walls shall be consistent with the architectural character of the house. Some terracing may be acceptable.

- (2) Privacy fencing for lots with pools or hot tubs shall comply with Rule 7 and applicable law.
 - (3) Glaring light sources which can be seen from neighboring lots shall not be used.
 - (4) Landscaping enhancement of the pool area and screening with landscaping is required.
- (C) All in-ground pools and exterior hot tubs (“Pools”) shall be maintained year round in a sanitary, safe and attractive condition. If a Pool is open, it shall be permitted, constructed, maintained and serviced so that at all times it is in full compliance with any and all applicable city, county and other governmental ordinances, laws, codes, rules, regulations and requirements governing in-ground pools. To the extent an Owner desires to close a Pool seasonally, it shall be covered with a professional pool cover at any time following (but not before) Labor Day. The purpose of the professional pool cover is to provide the neighborhood with a professional, neat and attractive appearance and to avoid unsanitary and unsightly conditions that can arise due to makeshift covers or tarps. An owner that chooses to close a Pool seasonally must reopen the pool by June 1.
- (D) Any and all other water features, including without limitation, ponds, fountains and waterfalls (“Water Falls”), shall be maintained year round in a sanitary, safe and attractive condition so that at all times they are in full compliance with any and all applicable city, county and other governmental ordinances, laws, odes, rules, regulations and requirements governing such Water Features. All Water Features shall be serviced on a regular basis, either professionally or privately, or drained, dried and cleaned to avoid unsanitary and unsightly conditions.

Rule 7: FENCES

- (A) A Form shall be submitted for all fencing.
- (B) Chain link fences are prohibited.
- (C) All Forms shall include the following:
 - (1) Picture or drawing of fence type. Permissible fence types are privacy fences, inclusive of privacy shadow-box styles and of the size and color listed below. Black wrought iron fences are also allowed as long as they are in keeping with the designs currently established in The Gates at Vinings.
 - (2) Dimensions:
 - (a) The height shall not be more than six (6) feet.
 - (b) The maximum span between posts shall be ten (10) feet. Fences are permitted to have spires as part of the wood posts.
 - (c) The minimum post size shall be 4” x 4”.
 - (d) Crossbeams shall consist of either two (2) 2” x 6” rails or three (3) 2” x 4” rails per section as a minimum. Two (2) 2” x 8” rails or three (3) 2” x 6” rails are also acceptable. (Crossbeam structure must face inside toward the owner’s yard.)
 - (3) Color – Wood fences shall be natural or stained natural wood color. Painting of wood fences is not permitted. Wrought iron fences shall be black and, shall be free from rust and painted when needed.

- (4) A survey locating the fence within the property lines shall accompany the Form. Fences shall not be located closer to any street than the rear edge of the home except for the following conditions that will be considered on a case by case basis:
- (a) On corner lots, the fence shall not be closer to any street than the building line of the adjacent lot(s).
 - (b) If the “rear” door of a house (basement, crawl space, or main level) or the air conditioner unit(s) is on the side of the house within six (6) feet of the “rear” of the house, fence construction may be allowed to begin at the door or the air conditioner unit(s) so that the door or the air conditioner unit(s) is within the fenced area.
- (D) A Form shall be submitted for all dog runs. All dog runs shall meet the requirements of this Rule 7 and shall be contained within the fenced-in back yard.
- (E) Each homeowner, at the homeowner’s expense, shall maintain the fences located on his/her respective property regardless of origin of construction or location.

Rule 8: EXTERIOR LANDSCAPING AND MAINTENANCE

- (A) A Form is not required for planting or installing ornamental trees and shrubbery provided that:
- (1) Row or cluster style tree plantings are not permitted from the front line of the house to the street. However, row or cluster tree plantings are permitted from the front corner of the house to the rear corner of the property line. These plantings shall be one foot inside the property line and shall be in keeping with the horticultural appearance of the homes currently established in The Gates at Vinings.
 - (2) In the case of corner lots, row or cluster style trees are not permitted from the front corner of the house on the adjacent lot(s) to the street.
- (B) Each owner shall be responsible for the prompt and proper removal of debris, clippings, etc. from his/her property including lawns, driveways, sidewalks, and to the center of the street. Hosing, raking or blowing materials into the streets or into the storm water management system is prohibited. All planting areas should be properly maintained at all times, and, after the first frost, all affected material shall be removed. At the end of the mowing season, all dead plants shall be removed. Bare earth shall be covered with pine straw, mulch or similar cover to prevent soil erosion.
- (C) Landscaping shall relate to the existing terrain and natural features of the lot, utilizing plant materials in keeping with the horticultural appearance of the homes currently established in The Gates at Vinings. The amount and character of the landscaping shall conform to the landscaping environment existing in The Gates at Vinings.
- (D) All landscape beds shall be covered with a suitable, natural colored covering such as pinestraw, chopped pine bark mulch, wood shavings, or other materials that conform to the landscaping environment existing in The Gates at Vinings.

- (E) Landscape bed edging shall not exceed more than (4) inches above the ground, shall be of uniform type, and shall conform to the landscaping environment existing in The Gates at Vinings.
- (F) Each homeowner shall keep his/her lot and all improvements thereon in good order and repair including, without limitation, seeding, watering, weed control, mowing, the pruning and cutting of all trees and shrubbery, and the painting (except for wood fences) or other appropriate external care of all buildings and improvements. This shall be done in a manner that is consistent with good property management and the precedent in The Gates at Vinings.
- (G) Outdoor storage of garden tools and hoses shall be screened from view and be kept behind shrubs or mounted to the inside of a fence. Any tools or items stored under a back deck or porch shall also be screened from view.
- (H) See Article IX, Section 20 of the Declaration concerning removal of trees and shrubs. It provides

“No trees measuring 18 inches or more in diameter at a point two (2) feet above ground, no flowering trees or shrubs, nor any evergreens on any Lot may be removed without the prior approval of the Architectural Control Committee unless located within ten (10) feet of the approved site for a Dwelling Unit or within the right of way of driveways or walkways. Excepted herefrom shall be damaged or dead trees and trees which must be removed due to an emergency or potential hazard or emergency.”

Rule 9: FIREWOOD

Submission of a Form is not required provided that:

- (A) firewood piles shall be maintained in good order and shall be located in the rear yard and within the sidelines of the house in order to preserve the open space vistas; and,
- (B) firewood pile coverings are allowed only if the cover is an earth tone color and the firewood pile is screened from the view of the street. (For example, a tarp-covered firewood pile may be located under a deck and have shrubs planted around it.)

Rule 10: DECKS

- (A) A Form shall be submitted for all decks.
- (B) The Form shall include:
 - (1) site plan denoting location, dimensions, materials and color;
 - (2) the deck shall not extend past the sides of the house;

- (3) the color shall be natural or stained a natural wood color, or shall be painted to match exterior color of home; and,
 - (4) vertical supports for wood decks shall be a minimum 6" x 6" wood posts that match the color of the deck or black painted metal poles. (It is preferable to have metal poles boxed in so as to appear to be 6" x 6" wood posts.)
- (C) In addition to the above, the following, without limitation, will be reviewed: location, size conformity with design of the house, relationship to neighboring dwellings, and proposed use.
- (D) Homeowners are advised that a building, or other permit may be required by governmental authorities for construction of a deck.

Rule 11: EXTERIOR BUILDINGS, ALTERATIONS AND CONSTRUCTION

Except as provided herein:

- (A) A Form shall be submitted for all exterior buildings, alterations and construction including, without limitation, storm doors and windows, driveways, garages, carports, porches and exterior changes to the house. Repainting requires prior written approval only if the color is changed from the existing color of the house.
- (B) The original architectural character or theme of any home shall be consistent for all components of the home. Once the character is established, no change may alter that character.
- (C) A Form requesting a paint color change shall include:
- (1) paint sample or picture of paint color requested for use;
 - (2) area of the house to be repainted; and,
 - (3) photograph of the house to be painted and the houses on both sides.
- (D) Storm doors shall be made of anodized bronze or anodized aluminum with baked enamel finish compatible with the primary and trim colors of the house. Glass contained in storm doors shall be solid with no decorative or protective metal workings. A Form shall be submitted and shall include:
- (1) picture or drawing of the door on which storm door will be installed;
 - (2) picture depicting style of storm door to be installed; and,
 - (3) color.
- (E) If governmental authorities make changes to the plans as approved by the Committee, the owner shall submit such changes for approval prior to commencing construction.
- (F) A Form shall be submitted for all detached structures.
- (1) Detached structures shall be located within the extended sidelines of the home.
 - (2) Detached structures shall be limited to 500 square feet.

- (3) Detached structures shall not be used for commercial workshops, garages, or any other purpose that may be deemed by the Committee to cause disorderly, unsightly, or unkept conditions.
- (G) A Form shall be submitted for all doghouses. All doghouses shall be located where they will have minimum visual impact on adjacent properties.
- (H) Landscape timbers are not permitted if viewed from the street or adjacent homes.
- (I) New retaining walls shall be brick or stucco. In the event an existing retaining wall needs partial or total replacement, the original materials may be used.

Rule 12: SATELLITE DISHES

- (A) See Article IX, Section 12 of the Declaration concerning antennae, satellite dishes or other devices. It provides, “No antenna, satellite dish or other device for the transmission or receipt of television signals, radio signals or any form of electromagnetic wave or radiation shall be erected, used or maintained on the exterior of any Structure without the prior written approval of the Architectural Control Committee. In no event shall freestanding transmission or receiving towers be permitted.”
- (B) A Form shall be submitted for satellite dishes. All of the following requirements shall be met:
 - (1) Satellite dishes shall be no larger than eighteen (18) inches in diameter.
 - (2) If ground mounted, satellite dishes shall be screened from view by natural landscaping – no lattice. Any cables shall be buried.
 - (3) If mounted on the house, satellite dishes shall be mounted on the rear of the house and within the sidelines of the house so as not to be visible from the primary street.
 - (4) Front yard mounting of satellite dishes is prohibited.
- (C) Color of satellite dishes will also be reviewed.

Rule 13: MAIL BOXES

- (A) Mailboxes, including signs or name-plates, different than the standard as originally installed by the builder are prohibited.
- (B) No plants shall be planted in such a manner that delivery of mail is obstructed by such plantings and their future growth.
- (C) No plants shall be planted in such a manner that the numerical address is obstructed by such plantings and their future growth.
- (D) Landscaping beds surrounding the mailbox shall no greater than approximately ten (10) square feet.
- (E) All landscaping beds surrounding the mailbox shall comply with Rule 8 above.

Rule 14: CONTAINERS FOR GARBAGE, OTHER REFUSE AND RECYCLING

- (A) Containers for garbage, other refuse and recycling shall be screened from public view.
- (B) All garbage and other refuse containers shall be closed and items secured within the container, not allowing garbage and other refuse to be blown around The Gates at Vinings.
- (C) All recycle materials shall be secured within their container, not allowing these items to be blown around The Gates at Vinings.
- (D) When placing containers streetside, place the containers at the base of your driveway or on your property's grass next to the driveway.
- (E) Additional containers may be obtained from the City of Smyrna.
- (F) Per applicable law: "City of Smyrna Ordinance, Section 80-6: The purpose of this section is to set an expectation on policy. Violators shall not be subject to citation.

A garbage can, bag, box or other such container shall not be placed or allowed at streetside prior to 6:00 p.m. on the evening prior to the scheduled day of collection; nor shall said container remain placed or allowed at streetside longer than 9:00 p.m. on the date of collection.

Violations shall be referred to the community development department. Said department or other city employee shall leave a notification of this policy and request the cooperation of the person(s) occupying the location."

Rule 15: GUNS

The use or discharge of guns or other firearms in The Gates at Vinings is prohibited. The term "firearms" includes, without limitation, "b-b" guns, pellet guns and other firearms of all types.

Rule 16: ANIMALS

- (A) Per the Declaration, Article IX, Section 18, Animals. "No animals, including birds, insects and reptiles, may be kept on any Lot unless kept thereon solely as household pets and not for commercial purposes; provided, however, no barnyard animals, including, without limitation, pigs, cows, chickens, hens, roosters, or horses, may be kept on any Lot regardless of whether such animal might also be a pet. No animals shall be allowed to become a nuisance. No Structure for the care, housing or confinement of any animal shall be constructed, placed or altered on any Lot unless plans and specifications for such Structure have first been approved by the Architectural Control Committee."
- (B) All dogs shall be in a contained area or on a leash.
- (C) Owners shall be responsible for properly disposing of their pet's excretions.

- (D) Animals shall not be allowed in The Gates at Vinings Common Area without following the requirements contained in Rule 16 (B) and (C) above.
- (E) Pot bellied pigs and other barnyard animals shall not be allowed as pets in The Gates at Vinings.

Rule 17: VEHICLES AND PARKING

- (A) Homeowner's vehicles shall be parked in their garages and driveways and shall not be parked on any street within The Gates at Vinings. Vehicles shall not be parked on the Common Area or on any portion of a Lot other than the driveway and the garage.
- (B) Visitors may park their vehicles temporarily during the day, on the street. It is the homeowner's responsibility to make sure that these vehicles do not pose a nuisance to neighbors, block neighbor's driveways or impede traffic flow, and ensure that these vehicles are parked in a safe manner. Guests must utilize cul-de-sac areas or park only on one side of the street. Parking on both sides of the street impedes the flow of traffic and is prohibited.
- (C) No boat, trailer, camper, or any other type of recreational vehicle may be parked or stored in open view in The Gates at Vinings.
- (D) The parking area in front of the park is intended for the use of Association members (in good standing) during their use of the park, and also may be used overnight by guests' vehicles for up to three (3) consecutive nights. A special temporary parking permit shall first be obtained from the Committee in order to park vehicles of any nature overnight in the area in front of the park. When utilizing the parking spaces in front of the park, please pull straight in to each space with your front tires against the curb. This allows more vehicles to use the spaces provided. Parallel parking is prohibited.
- (E) All vehicles parked in open view and not in a garage must be operable and may not be unsightly.
- (F) No vehicle shall be parked on any yard or side walk.
- (G) Vehicles shall always exit The Gates at Vinings to the right of the traffic island. Please advise guests and workers.
- (H) No commercial vehicles shall be parked overnight on the streets in The Gates at Vinings, the cul-de-sac areas, or in driveways.

Rule 18: SPEED LIMIT

A 15 MPH speed limit is established within The Gates at Vinings in order to protect all residents and guests.

Rule 19: THE PARK

- (A) The park at The Gates at Vinings is meant to be used by all Association members and their families. Only special functions approved by The Gates at Vinings Board of Directors will be allowed.
- (B) Bicycles, skateboards, roller skates, roller blades and other recreation equipment are prohibited from use on all landscaped Common Area, all walking paths, and, without the permission of the owner, all private property.
- (C) Please be considerate of your neighbors and limit use of the Park to the hours of 9:00 a.m. - 9:00 p.m.

Rule 20: REPAIR RESPONSIBILITY

The Association owns the “Common Areas” (as defined in the Declaration). The Common Areas are limited to the botanical park and the front entrance area.

Garden Park Drive and Iron Gate Drive (individually, a “Road” and collectively, the “Roads”) are not owned by the Association. Each owner of a Lot owns the portion of the Road in front of such Lot to the centerline of the Road, all as shown on the Subdivision Plat for The Gates at Vinings, filed of Record in Cobb County, Georgia.

On June 15, 2003, each owner of a Lot granted to the Association an easement for the maintenance and repair of the Roads and any utilities under the Roads.

Those maintenance and repair obligations for which an owner of a Lot is responsible to undertake and pay, and those maintenance and repair obligations for which the Association is responsible to undertake and pay, are set forth in the Declaration at Article VII, Section 3, and are by reference incorporated herein.

Rule 21: INITIATION FEES

Each new Owner of a Lot, by acceptance of a deed therefor shall automatically be assessed and shall pay to the Association a one-time initiation fee in the amount of Two Thousand Dollars (\$2,000.00).

Rule 22: PAYMENT OF ASSESSMENTS; LATE PAYMENT

- (A) Annual assessments are due and payable semiannually on January 1 and July 1 of each calendar year. Payments made after January 11 and July 11, as applicable, will be subject to an assessment of late charges and interest, plus other applicable amounts, all as set forth in the Declaration, Article VI, Section 8.
- (B) **Payments** shall be (a) mailed to the Association’s address and postmarked on or before the relevant date, or (b) hand delivered to a Board member on or before the relevant date.

(C) The Board may amend this policy from time to time.

Rule 23: ADDITIONAL REQUIREMENTS CONTAINED IN THE DECLARATION

Each Lot Owner is again reminded that the Declaration of The Association is binding upon all Association members, and, in the event of a conflict between the Declaration and these Rules, the Declaration shall prevail. Your particular attention is directed to the following portions of the Declaration:

Article VII, Maintenance

Section 1 "Association's Responsibilities"

Section 2 "Owner's Responsibilities"

Article IX, General Covenants and Restrictions

Section 1 "Residential Use"

Section 2 "Common Area"

Section 3 "Nuisances"

Section 4 "Subdivision of Property"

Section 5 "Erosion Control"

Section 6 "Landscaping"

Section 7 "Temporary Buildings"

Section 8 "Signs"

Section 9 "Setbacks"

Section 10 "Fences"

Section 11 "Roads and Driveways"

Section 12 "Antennae"

Section 13 "Clotheslines"

Section 14 "Recreational Vehicles, Trailers, Etc."

Section 15 "Recreational Equipment"

Section 16 "Accessory Structures"

Section 17 "Improvement of Lots"

Section 18 "Animals"

Section 19 "Water Supply"

Section 20 "Trees and Shrubs"

Section 21 "Violations"

Section 22 "No Rental or Leasing"

Article X, General Provisions

Section 1 "Enforcement"

Rule 24: VIOLATION OF RULES

Violation of a Rule shall subject (A) the violating Lot Owner to personal liability to the Association for all direct and indirect costs, including, without limitation, late charges, interest, court costs and reasonable attorneys fees incurred, together with any fines that may be imposed by the Board or, if applicable, the Owners, and (B) such Lot to a specific assessment and lien for such costs and fines, and the liability for such costs and fines shall be enforceable by the Association as provided in article VI of the Declaration. The provisions of this Rule 24 are hereby incorporated by reference in, and made a part of, each and every Rule contained in these Rules of The Gates At Vinings Home Owner's Association, Inc., as if stated verbatim therein.

ARTICLE III

EFFECTIVE DATE OF RULES

These Rules shall be binding upon the Owners on October 23, 2021 or ten (10) days after all Owners have received notice of their adoption, whichever is later.