



# LEGACY PARK COMMUNITY ASSOCIATION, INC.

## DESIGN STANDARDS

AND

## COMMUNITY RULES & REGULATIONS

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# TABLE OF CONTENTS

I.	Introduction.....	3
II.	Your House .....	4
III.	Your Vehicles & Driveway .....	6
IV.	Your Yard .....	7
V.	Use and Installation of New Materials and Equipment .....	13
VI.	Amenity Lots .....	14
VII.	Covenant Violations Policy .....	15
VIII.	Appeals Procedure .....	16
IX.	Amenity Policies.....	17
	Addendum A – Amenity Lots Addresses .....	24

## **I. Introduction**

Legacy Park is a unique, master planned community offering traditional homes that complement today's active lifestyle.

The Design Guidelines and Rules and Regulations ("Design Standards") are intended to ensure the protection of the Legacy Park concept, community lifestyle and individual property values through the establishment of architectural standards, design review, and community rules. The Design Standards, which apply to your house, your yard, and your driveway, have been updated to ensure an ongoing quality control necessary to maintain the "traditional" character of the community.

All homeowners in Legacy Park are bound by these Design Standards and acknowledged and agreed to this requirement by signature at the closing for your home.

As provided for in the Declaration of Covenants, Conditions and Restrictions for Legacy Park, as amended (the CCRs), the Architectural Committee (ARC) plays a critical role in ensuring that the requirements set out in the updated Design Standards document are met.

The Design Standards document identifies various circumstances in which the homeowner must obtain prior approval in writing from the ARC for modifications being considered. If you are in doubt as to the need to seek such approval from the ARC, you would be well advised to consult the HOA office staff before proceeding.

It should also be noted that, in accordance with the CCRs, the ARC may modify the Design Standards to include additional restrictions. The Board may also modify the Design Standards subject to the provisions of the CCRs. Since design standards may change over time, each homeowner is responsible for verification of and compliance with all current Design Standards.

The New Construction portion of the original Design Guidelines has been archived. Any new construction in Legacy Park is subject to the ARC process.

## **II. Your House**

### **A. Paint**

1. If you wish to repaint your house - siding, stucco, trim, gutters, garage doors, or any other exterior surface - you need to be aware that ALL paint colors must be approved in advance by the ARC, even if they are currently on the house. A paint sample of color and sheen is required for approval. Failure to have paint approved in advance by the ARC may require you to correct the colors to an approved color at your own expense.

### **B. Additions**

1. Any addition to your home requires prior written approval from the ARC. Any addition or change to the exterior must be composed of construction, design, and materials consistent with your home. Vinyl siding is not allowed.

### **C. Doors**

1. Any addition or replacement of exterior doors, including storm doors and screen doors, requires prior written approval from the ARC. Front doors, the surrounding windows and trim and any lighting fixtures must be in keeping with the traditional architectural theme.
2. Storm doors must be full glass, full screen, or a combination of both. Both must be in the original factory finish.
3. All garage doors must be operational. Any broken or damaged door must be repaired, repainted, or replaced immediately. Any change to a garage door must be in keeping with the traditional architectural theme and approved in writing by the ARC.
4. Carriage style garage doors and large decorative hardware must be approved in advance by the ARC. These must be in keeping with the home's overall appearance, so the ARC may not approve all applications.
5. Garage doors are to remain closed while not in use.

### **D. Windows**

1. Front windows, excluding the palladium window, must uniformly display either all gridded windows, or all windows without grids. Windows with grids must be uniformly the same type of grid (e.g., interior grids, exterior grids, or grids embedded within the windowpane). All operable windows must be either single or double hung and open vertically. To change the style of the palladium window, prior approval from the ARC is required.
2. Window air conditioning units or window fans are not allowed.

3. Window treatments that are visible from the streets or neighboring properties must be backed in white or off-white, including blinds, shutters, shades, drapes, or curtains. However, natural wood blinds are acceptable. The use of foil, paper, plastic, towels, sheets, or any other temporary covering is not permitted.
4. Film to be used as sun/UV control on windows must have prior written approval of the ARC. Film must not create a mirror effect and must be in keeping with the overall appearance of the house. Film must be in good condition with no peeling, bubbles, distortion, or color change. You may be asked to remove window film which has deteriorated. Samples of film colors deemed to be in keeping with the traditional architectural theme of Legacy Park homes are kept in the HOA office.

#### **E. Decks**

1. Deck designs and color require prior written approval from the ARC and must not have a negative impact on adjacent streets and properties. If lattice or arbors are added to a deck, they must have prior written approval from the ARC and must match the deck color.
2. Any items stored below a deck must be concealed from the view of streets and neighboring properties by approved screening or landscaping. Amenity lots are also subject to the restrictions in Section VI.

#### **F. Porch Decorations**

1. Front door and entry area decorations and front porch furniture must be in keeping with the style and character of the house and meet the community-wide standard. One front door decoration along with one other front porch decoration which meets the community-wide standard are permitted.
2. Flowerpots should be earth tone in color (such as clay or beige) or white or black and made of ceramic, concrete, or wood. All other colors must have the prior written approval of the ARC. Empty pots or flower boxes are not permitted. Flowers and plants must be kept neat and healthy. Silk plants or flowers are not allowed.
3. The United States flag, Georgia State flag, as well as seasonal (college flags are regarded as 'seasonal') and decorative flags, may be displayed by a bracket attached to the home. Flags may be up to a size of 3' X 5' and on a removable pole no longer than 5 feet. Flags may not be torn, tattered, faded or controversial in nature. Windsocks are not permitted.
4. Permanent, in-ground metal or fiberglass, flag poles for displaying the U.S. flag only, must be no higher than 20 feet (the standard height available at retailers) and must have the prior written approval of the ARC. Required approval includes type of pole and placement of pole. If approved, the poles must be well maintained.

## **G. Satellite Dishes & Antennas**

1. Satellite dishes and antennas must be in working order or removed if the equipment is no longer in use. They must be less than one meter (approximately 39") in diameter. Roof mounted exterior television antennas may not extend more than 12 feet above the roofline.
2. Satellite dishes or antennas must be placed in the least visible location having clear reception. Landscaping, painting, or screening may be required by the ARC to minimize visual impact.

## **III. Your Vehicles & Driveway**

### **A. Parking**

1. The designated parking area at a home is within the garage. If an owner has more vehicles than garage spaces, additional vehicles may be parked in the driveway in accordance with Cobb County Ordinances.
2. Recreational vehicles, commercial vehicles, inoperable vehicles, watercraft, and trailers may be parked *only* in an enclosed garage or offsite.
3. The use of car covers, including those provided by the car manufacturer, is not permitted.

### **B. Commercial Vehicles**

1. "Commercial vehicle" is defined as:

Panel trucks, buses, trucks with a load capacity over one (1) ton, full-size vans (excluding vans used by handicapped persons, mini-vans or sport utility vehicles used as passenger vehicles and receiving a "car" or "passenger vehicle" classification by the Georgia Department of Motor Vehicles, or full size vans configured as family passenger vehicles), vehicles used primarily for commercial purposes and containing visible evidence of commercial use (such as tool boxes or tool racks), and vehicles with commercial lettering or graphics covering an area greater than one square foot per side (rear, left side or right side) of the vehicle, or any commercial lettering on (or above) the roof or on the front of the vehicle (except for Sheriff's, Marshall's or police officer's vehicles marked as such).

All those vehicles thereby classified as 'commercial' are prohibited from being parked in Legacy Park, except in garages or other areas designated by the Board as parking areas for these particular types of vehicles.

2. Notwithstanding the above, trucks, vans, commercial vehicles, and vehicles with commercial writings on their exteriors shall be allowed temporarily on the Common Area during normal business hours for the purpose of servicing any Lot or the Common Area; provided, that, no such vehicle shall remain on the

Common Area overnight or for any purpose unless prior written consent of the Board is first obtained.

### **C. Driveway**

1. Driveway extensions and additions, including lining with brick, stone, or timber, must have prior written approval from the ARC.
2. No colored concrete stain is allowed on driveways or front walkways. Driveways may be sealed with clear sealant only.
3. Stamped concrete driveways are not allowed.

## **IV. Your Yard**

### **A. Play Equipment**

1. All permanent play equipment, including trampolines, requires prior written approval of the ARC before installation. Play equipment should be located in the back yard or to the rear of the house. Metal play equipment is required to be painted a dark green to blend into the surrounding environment. Trampolines must be screened from view of the street and adjacent properties.
2. Freestanding playhouses and tree houses are not allowed. Semi-permanent play equipment, of any material, larger than 4' x 4' x 4' requires prior written approval of the ARC. *Play equipment must be in the backyard, and must be screened from view, by plantings, when visible from the street. Plantings must be approved by the ARC. Please include the species, number, and placement of plantings on the Home Modification Form.* Portable play equipment should be removed when not in use. Amenity lots are subject to additional restrictions as set forth in Section VI.
3. Permanent basketball goals require the prior written approval of the ARC and should be mounted on black poles with standard white, gray, or clear backboards. Basketball goals or backboards cannot be attached to the home. Portable basketball goals must be kept adjacent to the house or positioned within **15 feet** of the garage when not in use. If goals are used on the street they must be returned to their proper location by the end of the day. All basketball goals must be painted and properly maintained.

### **B. Fencing**

1. All fencing requires prior written approval of the ARC which will review submissions on a case-by-case basis. Backyard fences should generally start within the rear third of the house. On corner lots, fencing into the side yard adjacent to the roadway may be subject to additional restrictions as determined by the ARC.

2. Fences not for privacy purposes must be three (3) rails, split rail, or cedar up to four feet (4') in height. These fences may have 2" x 4" wire mesh stretched and stapled on the inside face of the fencing. Privacy fencing may be approved with a cedar design up to a maximum of six feet (6') in height. The following additional fence types may also be acceptable: 3 or 4 rail ranch, solid cedar, solid pressure treated, shadowbox, wrought iron, or picket.
3. Wrought iron fences will only be approved by the ARC for pool security and other life safety situations such as the rear of driveways where there is a three (3) foot or more drop and a fence or barrier is required by code. These will be considered as special circumstances by the ARC. Wrought iron fences will not be approved for the entire back yard unless there are unusual conditions or life safety issues.
4. All fences must be well maintained.
5. Fence color must be a natural wood finish. Fences may not be painted, stained with a solid stain, or textured.
6. The finished side of the fence must face the neighboring streets and properties on all sides. Fenced dog runs or pens are not permitted. Chain link fencing is not permitted.
7. The ARC reserves the right to review submissions, which MUST include a plot plan, on a case-by-case basis. Amenity lots are subject to additional restrictions as set forth in Section VI.

### **C. Decks**

1. Any items stored below a deck must be concealed from view of streets and neighboring properties by approved screening or landscaping. Amenity lots are also subject to the restrictions in Section VI.

### **D. Pools**

1. Installed pools of any size and design must have prior written approval from the ARC. Submissions must include detailed contractor plans, including a plot plan. These must demonstrate that pool equipment such as pumps, etc. will have no visual or noise impact on neighboring homes.
2. Exterior hot tubs, spas, or pools require prior written approval of the ARC and must be screened in areas visible from street, sidewalk, or neighboring homes. All pumps, filters, equipment, etc. must also be screened from view from neighboring properties. No above ground pools shall be allowed.
3. Small wading pools less than 18" in height and 8' in diameter that are of a temporary nature with minimum visibility from the streets are allowed. Such items must be removed during off season (October to April).

## **E. Yard Structures**

1. Freestanding storage buildings or prefabricated structures of any kind are not permitted on residential lots.
2. Pet houses require prior written approval from the ARC. Exterior colors and materials for these must match the exterior of the house. Pet houses must be screened from view from surrounding streets and adjacent properties. Fenced dog runs or pens are not permitted.
3. Trellises, arbors, pergolas, etc. may be permitted provided the style, size, location, and quantity agree with the character of the house and community-wide standard. Prior written approval from the ARC is needed for all such structures.
4. Awnings on the front and the rear of the house must have prior written approval from the ARC.

## **F. Landscaping**

1. Any changes or additions to your landscaping, excluding annuals, perennials, or replacement shrubs, require prior written approval from the ARC.
2. All landscaping must be related to the existing terrain and natural features of the property. The amount and character of landscaping must conform to the standards established for each neighborhood of Legacy Park.
3. Landscape borders must be of natural material and color and no more than four (4) inches in height. No plastic edging is allowed other than that of continuous, heavy-duty black plastic edging installed per manufacturers specifications.
4. Gravel, pebbles, stone, slate, rock, lava, or similar material may only be used to remedy a drainage or erosion issue. Materials used must blend in with the existing landscaping (white material, for example, is not permitted under any circumstances). All ground cover, with the exception of pine straw, must be manufactured, color-enhanced mulch or wood chips. Any type or use of rock or stone, including usage for a border, requires prior written approval of the ARC.
5. Homeowners may be required to remove unapproved items at their own expense.
6. Property owners must maintain their yards on a regular basis, including regular weeding, mulching, edging, and removal of debris. Grass must be mowed every 7-10 days during the growing season. All cut grass clippings must be bagged and placed at the curb for trash pickup no earlier than the evening prior to the day of pickup.
7. Front yards must be sodded with Bermuda or Zoysia grass. In keeping with the traditional 'Legacy Park' standards, a minimum green space in the front yard – 10 feet wide – is required from lot line to lot line and sidewalk (or curb where there

is no sidewalk) to the front of the house including the entire street exposure of corner lots.

8. Side and rear yards may be sodded, seeded, or treated naturally but must be kept tidy and not have a negative impact on adjacent property owners. All property owners are required to provide regular landscape maintenance of their yards.
9. All construction involving grading, landscaping, or retaining walls must have prior written approval of the ARC. Such approval will generally be given where the sole purpose of the work is to prevent water from flowing across one lot to another. The work must not have a negative impact on adjacent properties and, if approved, must adhere to current Kennesaw ordinances and codes, and reflect changes concurrent with state and federal law.
10. All drainage must flow to the front or rear property lines or to an existing drainage easement or structure. Sheet flow across one lot to another is prohibited. The homeowner is responsible for maintaining proper grades at all times.
11. No land disturbing activities, including clearing, can be performed on any property adjacent to, or backing up to, a stream, creek, or drainage area without prior written approval from the ARC and the City of Kennesaw. A land disturbance buffer - including silt fencing as specified by City codes - is required by the City of Kennesaw, and changes within this area must have a land disturbance permit issued by the City of Kennesaw.
12. Trees posing an imminent danger may be removed. However, in all other circumstances, any tree thought to be diseased or dead, having a diameter of three (3) inches or more, as measured two (2) feet from the natural grade, CANNOT be destroyed or removed from the property without prior written approval from the City of Kennesaw and the ARC.
13. Homeowners may remove fallen trees without prior approval from the ARC. All cut trees must be removed from the property or be properly stored for firewood.
14. Landscaping that has aged (e.g. shrubs that are dying, sparse, brown) will need to be removed and replaced with new plantings. A new landscape plan requires prior written approval from the ARC. Please provide species, number, and replacement of new plantings.

## **G. Yard Contents**

1. Garden objects including, but not limited to pots, birdbaths, barrels, statues, sports mascots, bird feeders, wind sticks, etc., must receive prior written approval from the ARC and are not permitted where visible from the street. All benches must be approved by the ARC in writing prior to placement and must compliment the architectural style of the home. Placement of benches may be approved within ten (10) feet of the front door and must be kept in pristine condition.

2. Woodpiles must be located to the rear of the house and have minimal visual impact on neighboring streets and properties. Any tarp covering a woodpile must be in a neutral color such as dark green, brown, or black.
3. Water hoses must be neatly stored adjacent to the water source when not in use. If stored in the front yard, the hose (neutral color only) must be screened from view.
4. Any vegetable or herb gardens must be located between the rear of the dwelling and the rear lot line and should have minimum visual impact on neighboring streets and properties. Such gardens must be properly maintained throughout the year, including the removal of dead plants at the end of the growing season.

#### **H. Clotheslines**

1. Clotheslines are not permitted.

#### **I. Outside Lighting**

1. Landscape lighting must be standard outdoor landscape lighting and in keeping with the architectural style of the home. Landscape lighting and lighting hardware must be approved in writing by the ARC prior to installation. Please include the style, number, and placement of lights. Lighting must impose minimal impact to surrounding areas, including homes and streets.
2. Exterior lighting must be of a low level, non-glare type, located to cause minimum visual impact on adjacent properties and streets.
3. Colored lights shall not be used except those decorative holiday lights and ornamentation used during the holiday season from Thanksgiving through the weekend following New Years Day.
4. All outdoor landscape lighting must be well maintained.

#### **J. Mailbox**

1. Mailboxes including post and house numbers must conform to the approved Legacy Park design and color (gloss black) for its specific neighborhood. Numbers may be retained in the original bronze color or painted silver or gold.
2. No additional decoration or information is allowed on the mailbox, with the exception of vining flowers around the mailbox post, which must be properly pruned and maintained.
3. The source for purchasing mailbox posts may be obtained from the HOA Office. It is the responsibility of each homeowner to maintain the appearance of the mailbox. All damaged mailboxes must be repainted (gloss black) or replaced with the same style as the original. Proper installation must be completed within thirty days of damage.

4. Painted house numbers on curbs are not allowed.

#### **K. Signage**

1. The Property Manager has the right to remove any signage in violation of the requirements set out below and is not responsible for damage or replacement of property.
2. No sign of any kind may be erected on any common property without the prior approval of the Property Manager, except signs required by legal proceeding. Violation of this rule will result in an immediate fine of \$25 per sign.
3. Small professional security signs, 64 square inches or less in size, are permitted on individual properties but must be maintained in good condition.
4. Campaign signs for candidates for elected office, less than 2'x 2', may be erected on individual properties no more than 30 days prior to an election date and must be removed within 48 hours after the polls close. A maximum of three (3) signs are allowed per yard.
5. Maintenance signs less than 2'x 2' may be erected on an individual property but may only remain while the maintenance company is actively working on that property.
6. Only one "Home for Sale" or related signage is allowed on each individual property. Directional signage is prohibited, except the approved Legacy Park "Open House" signs. Home sellers/agents are permitted to check out "Open House" signs for a deposit of \$40.00 per sign. Signs will be available on a first come, first served basis. Agents/homeowners may not check the signs out for more than 1 weekend at a time. Checked out signs may only be displayed on Saturday and Sunday and must be removed before midnight on Sunday. If a sign remains out after Sunday evening at midnight, the deposit will not be returned.
7. Homes for sale by an owner must display the approved Legacy Park "Home for Sale" sign. These signs may be rented from the HOA office for a fee of \$40.00. No other "For Sale by Owner" signs are permitted. Repeat violations will incur an immediate fine of \$250 in addition to \$25 per day until the signage has been removed.
8. "For Lease" or "For Rent" signs are not permitted under any circumstances. Any violation of this rule is 'per owner' so that repeat offenses involving one or more properties within Legacy Park will incur an immediate fine \$250 in addition to \$25 per day until the signage has been removed. Subsequent offenses will incur an immediate fine of \$500 in addition to \$25 per day until the signage has been removed.

## **L. Yard Sales**

1. No garage, yard, moving, or estate sales are permitted other than the HOA-designated Spring and Fall community-wide garage sales. Violation of this rule will result in an immediate fine of \$250.

## **M. Garbage & Recycling Bins**

1. Garbage containers and recycling bins issued by the City of Kennesaw must be stored at the side or rear of the house or in the garage (positioned for minimal visual impact and therefore not in front of the house). They may be placed curbside on the previous evening or on the scheduled day of collection, but must not obstruct the sidewalk, gutter, or the free movement of traffic. The cans must be removed from curbside by the evening of the scheduled collection day.
2. The City also has a weekly schedule for the collection of yard debris. Again, this may be placed curbside on the previous evening or on the scheduled day of collection, but must not obstruct the sidewalk, storm drain or the free movement of traffic.
3. Dumpsters and any other type of large receptacles for trash disposal cannot be stored on the property for more than seven (7) days; otherwise, you must have prior written approval of the HOA office.

## **N. Holiday Displays**

1. Holiday displays must not create a nuisance for adjacent property owners. All holiday decorations including lighting displays must not attract increased traffic flow.
2. Holiday season displays may only be used from Thanksgiving through the weekend following New Years Day. Decorations for other holidays may only be displayed up to two (2) weeks in advance of the occasion, or the month of the occasions whichever is longer, and must be removed no later than seven (7) days following the holiday.

## **V. Use and Installation of New Materials & Equipment**

Residents may want to consider use of new materials such as synthetic mulches or new technology such as solar panels. The ARC is willing to consider the introduction of these and other materials and equipment if they are in keeping with the overall appearance of the neighborhood. However, residents must have prior written approval from the ARC for any such initiatives. Any new technologies may require additional submissions and review time.

## VI. Amenity Lots

Amenity lots are those lots, which have either a side or rear building line adjacent to Legacy Park Circle, Lake Legacy, Legacy Park Boulevard, or the neighborhood parks. These high profile lots are subject to additional restrictions. The following guidelines apply specifically to Amenity lots. A list of amenity lots can be found in Addendum A.

1. Fencing: In addition to the requirements set out in section IV.B, no side yard fence may be installed adjacent to the Legacy Park Circle or Entry Boulevard right of way. All fences must be installed on the house side of any tree buffer or landscape easement adjacent to Legacy Park Circle, Boulevard or Lake Legacy. All fencing must be comprised of 3 rail or split rail which may then have 2"x4" wire mesh stretched and stapled on the inside face of the fence to a maximum of 4' in height.
2. Decks: In addition to the requirements set out in section II.E., vertical deck surfaces must be painted to match the house trim color or stained a natural color. All posts must be a minimum of 6" by 6" wood, or they may be steel posts wrapped with wood, brick, or stucco.
3. All homes which back up to the lake, park or boulevard and circle have an undisturbed buffer as shown on the recorded plan of the individual Legacy Park neighborhood. No clearing activity is permitted.
4. No land disturbance of any type can take place within these buffers described in 3 above. No resident is permitted to construct a dock or any other type of structure on the lakefront. No fencing can encroach within the buffer area. Any structure including play equipment needs prior written approval from the ARC. Play equipment of any construction (plastic, metal, wood) larger than 4x4x4 must be natural in color and compliment and blend into the natural surrounding areas. All play equipment smaller than 4x4x4 must be removed when not in use.
5. The following items are prohibited on Amenity lots:
  - a. Rear/side signage of any kind.
  - b. Rear entry garages.
  - c. Exterior floodlights or spotlights that produce a glare on Legacy Park Circle or Entry Boulevard.
  - d. Vehicle access to Legacy Park Circle.

## VII. Covenant Violation Policy

(Adopted May 17, 2007 & Revised June 18, 2009)

Pursuant to the Declaration of Covenants, Conditions, and Restrictions for Legacy Park:

Each owner shall maintain his or her Unit (property) and all structures, parking areas, and other improvements comprising the property in a manner consistent with the Community-Wide Standard and all applicable covenants. The Association shall afford the Owner reasonable notice and an opportunity to cure the problem.

### **SCHEDULE OF VIOLATION NOTICES, RIGHT OF APPEAL, FINES AND OTHER PENALTIES**

The Board of Directors hereby adopts the following policy regarding enforcement of the Covenants, Rules, Regulations, or Guidelines pertaining to Unit (property) maintenance, repair, and appearance:

A violation of the Covenants, Rules, Regulations, or Guidelines will result in a notice from the Association. The violator will have **10 days** to correct the situation or appeal *in writing* to the Association. If there is no response to the notification within **10 days** of the date of the letter, a fine will be imposed in the amount of \$25 per day, per violation, until such time as the violation is corrected.

**If a property owner makes a modification to their property without receiving an approved modification request for that modification as required by the covenants of the Association or makes a modification that does not conform to the modification request that was approved, the property owner shall be subject to a fine in an amount not to exceed \$250.00. Modifications covered under this provision include, but are not limited to, painting and architectural changes. Specifically excluded from this provision are modifications that do not require an approved modification request, per the Association's Covenants.**

Further sanctions will include suspension of voting rights and use of the Legacy Park amenities. If the violation goes unresolved, the account will be turned over to the Association's legal counsel for collection of the delinquent fines and the filing of a lien on the county deed records.

The violation letter will also serve as 10 days' notice that the Association *may* exercise its right to come onto your property to correct the violation. If it is necessary for the Association to correct the violation, the owner will be charged all related expenses and costs, **including a \$10 administrative fee.**

Any **reoccurrence** of the same violation in a 12-month period will automatically result in a \$25 per day fine from the date of the violation letter. The owner will have **10 days**, to rectify the violation or appeal *in writing* to the Association. If the violation is corrected or appealed within the 10-day period, the Association is not obligated to waive the fines, but may do so at the Board's discretion.

## **VIII. Appeals Procedure – Covenant Violations & ARC Decisions**

### **Introduction**

Any resident wishing to appeal a denied modification or covenant violation notice has the right to appear (or to submit a written appeal) before the Covenant Appeals Committee (CAC), appointed by the Legacy Park Board to hear appeals.

### **Membership of the Covenant Appeals Committee (CAC)**

The CAC is made up of a Chairperson and volunteers drawn from Legacy Park residents. Appeals meetings require a quorum of at least three members. A representative from the HOA office will also attend each meeting.

### **Submitting an Appeal**

Residents have ten (10) days after the receipt of the violation notice or ARC decision to submit a written request, through the HOA Office, to have the appeal heard. Ordinarily, no appeal will go to the Board of Directors without initially being heard by the CAC.

The CAC will meet to consider appeals – whether in person or in writing – on the first Tuesday of every month (unless otherwise notified), between 7:00 pm and 8:00pm in the Clubhouse.

In exceptional circumstances, the CAC may decide that the issue being appealed is best handled by the Board itself. The HOA Office will advise the appellant accordingly.

### **The Appeals Hearing**

Appeals may be made in person or in writing. The time for an in-person appeal will be limited to 10 minutes. Residents are encouraged to submit any material such as pictures, diagrams, receipts etc. to support their appeal.

### **Notifying the CAC's decision**

The CAC will not give its decision at the time of the appeal. All decisions will be available the next business day through the HOA office, confirmed in writing within ten (10) business days.

### **Further appeal to the Legacy Park Board of Directors**

Once advised of the CAC decision the resident may decide to appeal that decision to the Board of Directors.

If not satisfied with the CAC decision, the resident will have ten (10) days after the receipt of the CAC decision to make a written request, through the HOA Office, to have the appeal heard by the Board. The appeal, which may be in person or in writing, will be considered at a scheduled monthly Board of Directors meeting. The Board will not make its decision known at the time of hearing the appeal. All decisions will be available the next business day through the HOA Office, confirmed in writing within ten (10) business days.

For additional questions or for further clarification concerning the appeals process, please contact the Legacy Park HOA office at 770-919-2556.

## **IX. Amenity Policies**

Each member of a Legacy Park (LP) household, in good standing with the Legacy Park HOA, is required to have a LP pictured ID card. These ID cards are available from the HOA and are issued to any resident 12 years of age and older. These ID cards are the property of the LP HOA and must be shown when requested by authorized personnel. Please note that any misuse of the amenities or breaking of rules may result in the suspension of amenity privileges.

The HOA Staff, Board of Directors, Lifeguards, Security Personnel and Kennesaw City Police officers have the authorization to enforce the rules and regulations of LP. These persons may ask people to vacate LP property and amenities if unable to produce a valid LP pictured ID card or if a person(s) is in violation of the rules and regulations of LP. Identification cards will be given to all personnel with this authority and will be displayed accordingly.

### **A. Guest Policy**

LP properties and amenities are for the enjoyment of residents and accompanied guests only. Up to four (4) guests will be allowed per resident over the age of 18 for use of the Trails, Town Green, Playgrounds, Amphitheater, Bandstand, and Baseball Field. Up to two (2) guests will be allowed per resident over the age of 18 for the use of the Swimming Pools, Tennis Courts, Volleyball Court and Basketball Court. Unaccompanied children between the ages of 12 and 18 are allowed only one (1) guest while on LP property and when using the amenities, except as otherwise provided herein. Neither the Amphitheater nor Bandstand shall be used as sports fields without prior approval from the Board of Directors. ***Guests are considered to be non-LP residents. LP residents that have had their privileges revoked cannot come as a guest of another resident.***

A LP resident must accompany guests while on the common properties or while using any of the amenities. Long term guests (persons visiting for more than two weeks) may obtain a guest pass from the HOA office. As a reminder, homeowners are responsible for ensuring that their guests are informed of the rules of LP and that these guests follow the rules at all times. ***The LP HOA reserves the right to suspend privileges or prosecute an individual, resident or guest, for destruction, abuse, or misuse of property.***

### **B. Parking and Towing Procedures**

Parking on Legacy Park Circle will be on the inside of the circle only while also adhering to City of Kennesaw guidelines (e.g. within 12 inches of the curb, not in a curve, not on a hill, with flow of traffic).

**The following situations may be subject to towing of a vehicle at the owner's expense:**

- Vehicles parked on the grass around Legacy Park Circle.
- Vehicles illegally parked.
- Vehicles parked overnight in any of the Legacy Park parking lots.

### C. Pet Policy

The City of Kennesaw Control of Animal Ordinance Sec. 10-11 provides that it shall be unlawful for the owner of any animal to permit such animal to be out of his immediate control and restraint, or to be left unattended off the premises of the owner, or to be upon the property of another person without the permission of the owner or person in possession of such other property... Every animal shall be restrained and controlled so as to prevent it from causing property damage, harassing pedestrians or bicyclists, molesting passersby, chasing vehicles, or attacking persons or other animals....When off the premises of the owner, all animals shall at a minimum be maintained on an appropriate chain, leash or tie not exceeding six feet in length, and in the hands of a person who possesses the ability to restrain the animal.

Pets are ***not*** permitted within any fenced area owned and maintained by LP (e.g., ball field, tennis courts, pool area, etc.). Residents are responsible for the pickup and proper disposal of their pet's waste at all times. Failure to adhere to this rule may result in the suspension of amenity privileges. Trash receptacles are located throughout LP to aid in the disposal of such waste.

### D. Rules for Use of Common Areas

The following information contains rules of the LP properties and common areas. These rules have been created to preserve the natural beauty and community atmosphere within LP. All homeowners are responsible for ensuring that their residents and guests follow these rules at all times. Failure to do so may result in the suspension of amenity privileges. LP properties and amenities are for the enjoyment of residents and accompanied guests only. ***The LP HOA reserves the right to suspend privileges or prosecute an individual for destruction, abuse, or misuse of property.***

- The LP amenities and common areas are open daily from 6 am until 10 pm unless otherwise noted. During inclement weather, Legacy Park amenities and common property is closed.
- The town green and baseball fields are closed to team sports November 15 – March 1.
- Residents must carry their LP pictured ID card while on LP property.
- Residents must accompany guests while on LP property.
- The use of profanity is prohibited.
- No littering, no excuses.
- No glass containers allowed.
- No bicycles, skateboards, skates, or scooters are allowed on the courts, ball field, amphitheater, pool areas or playgrounds.
- Amenities must be shared with all participants equally unless otherwise noted.
- Motorized vehicles are not permitted on the walking trails or Town Green. This includes motorized scooters, motorbikes, mopeds, and electric/gasoline hybrid vehicles, etc. The HOA staff and/or Board of Directors may approve limited use under special circumstances.
- Groups and organizations other than those sponsored by the Legacy Park HOA may not use any of the LP amenities or common property without prior permission of the HOA staff and/or Board of Directors.
- For information on reserving space for a party or event, please refer to the Amenity Reservation Policies or contact the LP HOA office. *See Amenity Reservation Policy to reserve any common areas or amenities.*

## E. Swimming Pools

The hours for LP swimming pools will be posted annually during the swim season.

- **The lifeguard's word will be final in matters of pool rule enforcement.**
- Swimmers swim at their own risk.
- All persons using the pools should do so with the utmost care and caution to avoid accident and injury, not only to themselves, but to others.
- All residents must have a current LP pictured ID to enter the pool area. Periodic checks may be performed to ensure pool usage is restricted to residents and their guests only.
- Guests must be accompanied by a LP resident at all times.
- All swimmers must shower before entering the pools.
- All swimmers must wear swimsuits; the HOA and/or the lifeguards have the final decision on determining appropriate swim attire.
- Children not potty-trained **must** wear all of the following while in the pool: a swim diaper, rubber pants and proper swim garments.
- Solo swimming is not permitted.
- Children under the age of 12 must be accompanied by an adult or person over the age of 16 at all times. Children between the ages of 12-15 may be unaccompanied during lifeguard hours only.
- No running, pushing, wrestling or boisterous conduct is permitted in or near the pool.
- No glass, sharp objects or hazardous materials are allowed in pool area.
- No pets allowed in pool area.
- Absolutely no profanity of any kind is permitted.
- Spitting, spouting of water, blowing the nose etc., are strictly prohibited in the pools.
- Smoking is not permitted in the pool or inside the fenced area.
- No one is permitted on the lifeguard stands at any time, except the lifeguards.
- Persons having an infectious or communicable disease, which can be transmitted by water, shall be excluded from the pool. Persons with open sores or cuts are not permitted in the pool.
- A fine of \$100.00 will apply to negligent members who allow their child/guests to enter the pool without the proper swimming attire and cause the pool to close due to fecal contamination.
- Any resident or guest of a resident breaking these rules is subject to having their pool privileges suspended.
- **In the event of an emergency dial 911.**

*\* Please note that the pools may close periodically for swim team meets, practice and other scheduled LP activities.*

## **F. Tennis Courts**

- Courts are open daily from 6:00 am to 11:00 pm.
- All players play at their own risk.
- LP tennis facilities are for the use of homeowners and their accompanied guests only. Non-resident players who are on a LP team may take lessons from the LP tennis pro during the same season only. Residents and their guests may participate in tennis drills. Each resident is allowed two guests and must be a participant at the drill.
- Courts are for tennis use only as other activities are damaging to the court surface.
- The use of loud and/or profane language is prohibited.
- Animals are not permitted on the courts.
- Proper tennis shoes and attire are required at all times.
- Smoking or the use of tobacco products is not permitted inside the fenced area.
- Chairs are not allowed on the courts other than those owned and maintained by LP.
- Courts may be reserved at the tennis kiosk. Players may reserve courts for up to two hours per day with the exception of the walk-on court.
- Court # 1 is designated as the walk-on court. No prior reservations are accepted for this court. You may sign up for the court upon arrival to the tennis area. Play time is limited to 90 minutes when others are waiting to play.
- Please visit the LP website at [www.legacypark.org](http://www.legacypark.org) for additional rules, restrictions and for tennis league, lesson and drill information. Tennis Club dues are to be paid by each member playing on a LP sanctioned team.

## **G. Town Green**

- Organized team practices or games, other than LP Leagues, are not allowed.
- The Town Green is closed to team sports from November 15 – March 1.
- Facilities are on a first come, first served policy *except* for LP scheduled leagues or events. These leagues receive priority for field use.
- LP leagues wishing to use the Town Green must submit a game and practice schedule for approval by the HOA prior to the start of the season.
- Be respectful; please keep noise levels to a minimum. The use of profanity is prohibited.
- Vehicles are not permitted on the Town Green or walking paths.
- The LP pet policy and Kennesaw City leash laws must be observed when pets are in this area.

## **H. Amphitheater & Bandstand**

- The LP Amphitheater & Bandstand are available for use by LP residents and accompanied guests during the hours of 6 am to 10 pm.
- The use of motorized vehicles, skateboards, rollerblades, bikes, or scooters is not permitted on the amphitheater stage, stairs, sidewalks, or bandstand.
- The LP pet policy and Kennesaw City leash laws must be observed when your pets are in the Amphitheater and/or Bandstand area.
- Prior approval, reservation, and deposits are required through the Association to reserve the Amphitheater and/or Bandstand area for groups of 15 or more people.

## I. Ball Field

- The ball field is available for recreational use by LP residents and four (4) accompanied guests during the hours of 6 am to 10 pm.
- The baseball field is closed to team sports from November 15 – March 1.
- ***Organized team practices or games, other than LP Leagues, are not allowed.***
- Facilities are on a first come, first served policy except for LP scheduled leagues or events. These leagues receive priority for field use.
- LP leagues wishing to use the baseball field must submit a game and practice schedule for approval by the HOA prior to the start of the season.
- Be respectful; please keep noise levels to a minimum. The use of profanity is prohibited.
- ***No pets allowed inside the fenced area.***
- Smoking is not permitted inside the fenced area.
- Balls are not to be thrown or hit into the fence. No hitting the fence with the bat.
- The ball field is to be used for playing ‘base’ sports only. Other activities, such as soccer, are not permitted.
- The use of motorized vehicles, skateboard, rollerblades, bikes, or scooters on the ball field is prohibited.
- Prior approval, reservation, and deposits are required through the LP HOA to reserve the field for groups of 15 or more people.

## J. Neighborhood Playgrounds & Picnic Grove

- The neighborhood playgrounds and picnic grove are available for use by LP residents and accompanied guests between dawn and dusk.
- These areas cannot be exclusively reserved at any time and are on a first come, first served policy.
- ***Pets are not allowed at the playgrounds.***
- The LP pet policy and Kennesaw City leash laws must be observed when pets are in the Picnic Grove Area.
- The use of motorized vehicles, skateboards, rollerblades, bikes, or scooters within the playgrounds or at the Picnic Grove is prohibited.

## K. Basketball Court

- The basketball court is available for recreational use by LP residents and two (2) accompanied guests during the hours of 6 am to 10 pm.
- ***No organized team practices or games, other than LP leagues, are permitted.***
- The basketball court is on a first come, first served policy, ***except*** for LP scheduled leagues or events.
- LP leagues wishing to use the basketball court must submit a game and practice schedule for approval by the HOA prior to the start of the season.
- Be respectful; please keep noise levels to a minimum. The use of profanity is prohibited.
- Hanging from the rims, backboards or goals is not allowed.
- Pets are not allowed on the court.

- Smoking is not permitted inside the fenced area.
- The use of motorized vehicles, skateboards, rollerblades, bikes, or scooters on the basketball court is prohibited.
- Prior approval, reservation, and deposits are required through the LP HOA to reserve the court for groups of 15 or more people.

**L. Community Center – *See separate Community Center Rules and Rental Guidelines***

**M. Fitness Center**

- The fitness center, located in the Clubhouse, is available for use by LP residents during the hours of 5:00 am to 11:00 pm.
- Entry to the exercise room is by card access only. Cards may be purchased from the LP HOA office for a minimal fee.
- Users must be at least 16 years old to use equipment.
- All users must sign a release prior to equipment usage. Residents under age 18 must have a parent sign the release.
- Use of equipment is at your own risk.
- All equipment must be used in accordance with manufacturer specifications.
- Proper athletic attire must be worn at all times. Tennis shoes must always be worn, absolutely no sandals, open-toe shoes, or bare feet.
- Keep breakable objects out of fitness center.
- No alcoholic beverages.
- Be respectful; please keep noise levels to a minimum. The use of profanity is prohibited.
- Pets are not allowed in the building.
- Smoking is not permitted inside the building or on the deck.
- Users must comply with all posted rules in the fitness center.

**N. Volleyball Court**

- The volleyball court is available for recreational use by Legacy Park residents and 2 accompanied guests during the hours of 6 am to 10 pm.
- No organized team practices or games, other than LP leagues, are permitted.
- The volleyball court is on a first come, first served policy *except* for LP scheduled leagues or events. These leagues receive priority for court use.
- LP leagues wishing to use the volleyball court must submit a game and practice schedule for approval by the HOA prior to the start of the season.
- Be respectful; please keep noise levels to a minimum. The use of profanity is prohibited.
- Hanging from the nets or poles is not allowed.
- Pets are not allowed on the court.
- Smoking is not permitted on the court.
- Prior approval, reservation, and deposits are required through the LP HOA to reserve the court for groups of 15 or more people.

***The LP Board of Directors reserves the right to change and update these rules and regulations at any time without prior notice.***

## **N. Legacy Park Amenity Reservation Policy**

The amphitheater, bandstand, baseball field, and basketball court are the only amenities that may be reserved for exclusive use within LP. A usage fee will be charged for each reserved activity and must be paid in full to the HOA office at least 10 days prior to the scheduled event. A portion of these fees are non-refundable and are used for maintaining the area(s). Based on the size of the private activity additional restrictions or requirements may be set (i.e. additional security). The Clubhouse may be rented and those rules, regulations and costs may be located at [www.legacypark.org](http://www.legacypark.org).

The swimming pools\*, neighborhood playgrounds & picnic grove may not be exclusively reserved for private resident activities except by official LP groups or organizations. However, small gatherings of no more than 20 people are permitted within these amenities during normal operating times. Residents wishing to use one of these areas should contact the HOA office for additional details and to check availability.

Residents wishing to hold a gathering at any of the LP common areas or amenities of more than 15 people must submit a formal request to the HOA office at least 10 days prior to the scheduled event. The HOA Board, or its appointee, will review all amenity reservation requests and ensure no conflicts exist.

Only one event per amenity, per day can be scheduled and is on a first-come, first-served basis. The property manager, HOA Board, or its appointee reserves the right to set a limit on usage of each amenity. Reservations may be made no earlier than 90 days and not less than 10 days in advance. No reservation may interfere with any LP sanctioned function.

The resident(s) making the reservation request must complete and sign a reservation form, usage agreement, and must be in good standing with the HOA. The resident shall be fully and wholly responsible for all activity at the event and must be in attendance at the event.

The HOA board, or its appointee, reserves the right to set a limit on usage of each amenity. No reservation may interfere with any LP sanctioned function. The HOA shall not be liable for any issues that may arise from the activity of the resident(s) or guest(s) before, during or after the scheduled event. It is the responsibility of the reserving resident to provide the necessary insurance, safety measures, security, set-up, and clean-up.

LP owned equipment is not to be used for any non-sanctioned LP groups or events. The LP Board of Directors reserves the right to change fees, terms and conditions on the above policy.

*\* Special note for swimming pool functions: Gatherings cannot be scheduled during peak weekend pool hours, those being from 10:00 am to 6:00 pm. Gatherings can be scheduled at the Main Pool or Lullwater Pool only.*

### **Amenity Rental Rates**

#### **Amphitheater**

Usage Fee: \$400.00

Maximum Usage: 4 hours

#### **Bandstand Areas**

Usage Fee: \$200.00

Maximum Usage: 2 hours

#### **Baseball Field**

Usage Fee: \$50.00

Maximum Usage: 2 hours

#### **Town Green (This applies to groups of 50 or more)**

Usage Fee: \$50.00

Maximum Usage: 4 hours

*The LP Board of Directors reserves the right to change fees, terms and conditions on the above policy.*

**ADDENDUM A – LEGACY PARK AMENITY LOTS**

Amenity lots are those lots, which have either a side or rear building line adjacent to Legacy Park Circle, Lake Legacy, Legacy Park Boulevard or the neighborhood parks:

	<b>Annandale</b>				
4000	Annandale Main	4233	Carillon Trace	4198	Winthrop Downs
4001	Annandale Main	4234	Carillon Trace		
2553	Fairlawn Downs	4235	Carillon Trace		<b>Lullwater</b>
4139	Havenwood Court	4236	Carillon Trace	3629	Bancroft Main
4141	Havenwood Court	4237	Carillon Trace	3000	Cranbrook Walk
4143	Havenwood Court	4238	Carillon Trace	3002	Cranbrook Walk
4145	Havenwood Court	4239	Carillon Trace	3796	Harris Boulevard
4147	Havenwood Court	4240	Carillon Trace	3089	Kirkwood Drive
4149	Havenwood Court	4241	Carillon Trace	3841	Kirkwood Run
4151	Havenwood Court	4242	Carillon Trace	3951	Lullwater Main
4025	Willowmere Trace	4244	Carillon Trace	3989	Mapleton Downs
4027	Willowmere Trace	4245	Carillon Trace	3992	Mapleton Downs
4028	Willowmere Trace	4246	Carillon Trace		
4029	Willowmere Trace	4250	Carillon Trace		<b>Madison</b>
4031	Willowmere Trace			3995	Madison Main
4033	Willowmere Trace		<b>Gramercy</b>	3999	Madison Main
4035	Willowmere Trace	2694	Claredon Trace	3954	Marquette Way
4037	Willowmere Trace	2696	Claredon Trace	3957	Marquette Way
4039	Willowmere Trace	2698	Claredon Trace		
4041	Willowmere Trace	2699	Claredon Trace		<b>Olmsted</b>
4047	Willowmere Trace	2700	Claredon Trace	2409	Brookgreen Commons
		4179	Gramercy Main	2419	Brookgreen Commons
		4190	Gramercy Main	2439	Brookgreen Commons
3947	Bellingrath Main	4244	Piedmont Landing	2449	Brookgreen Commons
3949	Bellingrath Main	4245	Piedmont Landing	2460	Brookgreen Commons
3950	Bellingrath Main	4247	Piedmont Landing	2469	Brookgreen Commons
3951	Bellingrath Main	2683	Steeplehill Court	2479	Brookgreen Commons
3953	Bellingrath Main	2684	Steeplehill Court	2307	Holden Way
3954	Bellingrath Main	4188	Steeplehill Drive	2309	Holden Way
3955	Bellingrath Main	4190	Steeplehill Drive	2311	Holden Way
3956	Bellingrath Main				
3957	Bellingrath Main		<b>Highcroft</b>		<b>Palisades</b>
3958	Bellingrath Main	4321	Brighton Way	4092	Mill Creek Gate
3959	Bellingrath Main	4322	Brighton Way	4094	Mill Creek Gate
3960	Bellingrath Main	4201	Cornell Crossing	3969	Palisades Main
3961	Bellingrath Main	4210	Highcroft Main	3972	Palisades Main
3963	Bellingrath Main	4211	Highcroft Main	3974	Palisades Main
3964	Bellingrath Main	4222	Highcroft Main	3976	Palisades Main
3965	Bellingrath Main	4256	Revere Walk	3978	Palisades Main
3966	Bellingrath Main	4257	Revere Walk	3980	Palisades Main
3967	Bellingrath Main	4259	Revere Walk	3982	Palisades Main
3968	Bellingrath Main	4305	Sentinel Place	3984	Palisades Main
3969	Bellingrath Main	4306	Sentinel Place	3988	Palisades Main
3970	Bellingrath Main	4308	Sentinel Place	4049	Palisades Main
3971	Bellingrath Main			4050	Palisades Main
3972	Bellingrath Main		<b>Kentmere</b>	4092	Palisades Main
3973	Bellingrath Main	4151	Berkeley Landing	3956	Springtide Grove
3974	Bellingrath Main	4153	Berkeley Landing	3958	Springtide Grove
3975	Bellingrath Main	4155	Berkeley Landing		
		4157	Berkeley Landing		<b>Revere</b>
		4159	Berkeley Landing	3502	Brandywine Road
4222	Carillon Trace	4161	Berkeley Landing		
4223	Carillon Trace	4163	Berkeley Landing		<b>Winterthur</b>
4224	Carillon Trace	3000	Fairhaven Ridge	2691	Blairsden Place
4225	Carillon Trace	3001	Fairhaven Ridge	2693	Blairsden Place
4226	Carillon Trace	4101	Kentmere Main	2695	Blairsden Place
4227	Carillon Trace	4130	Kentmere Main	3897	Greensward View
4228	Carillon Trace	4248	Sheffield Court	3731	Somerset Ridge
4229	Carillon Trace	4250	Sheffield Court	3732	Somerset Ridge
4230	Carillon Trace	4181	Winthrop Downs	3733	Somerset Ridge
4231	Carillon Trace	4182	Winthrop Downs	2602	Winterthur Main
4232	Carillon Trace	4183	Winthrop Downs		