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DESIGN GUIDELINES

FOR

DRAYTON HALL

**Effective:** \_\_\_\_\_

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**EXHIBIT "A"**  
**Owner Application for Architectural Review**

Date: \_\_\_\_\_ Owner's Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Location of Improvement: \_\_\_\_\_

If an agent is submitting on behalf of the owner, also complete the following:

Agent's Name: \_\_\_\_\_ Company Name: \_\_\_\_\_

Type of Agent: \_\_\_\_\_ Telephone: \_\_\_\_\_

In accordance with the Article \_\_\_ of the Declaration of Covenants, Conditions, and Restrictions for Drayton Hall and the Design Guidelines, application is hereby made for review and approval of the following described improvements: (Provide brief description)

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In support of this application the following required items are submitted. (See Section II(C) of the Design Guidelines)

**A. Two sets of Plans.** The plans will show the following (where applicable): site plan, floor plan, exterior elevations, roof design, exterior materials and finishes, landscaping plan, and such other items as may be needed to reflect the character and dimensions of the improvements.

**B. Summary.** Written statement summarizing setback, height and square footage of proposed construction, how these numbers compare with the requirements, and whether any variance requests are made.

If the application is incomplete, the reviewer will notify the applicant as to the needed documents and the application will not be further considered until receipt of these materials.

It is hereby understood and agreed that approval of this application by a reviewer does not constitute approval as to compliance with applicable Georgia law or Gwinnett County ordinances.

Signature of Owner(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**Submit Applications to:**

Drayton Hall Community Association, Inc.  
[ADDRESS]  
Attn: Architectural Reviewer

**Action by Reviewer:**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Approved as Noted: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_



**EXHIBIT "B"**  
**Builder Application for Architectural Review**

Date: \_\_\_\_\_ Builder's Name: \_\_\_\_\_

Company Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

**General Information:**

This application is for approval of (please check one and complete specified information for the category):

\_\_\_\_\_ Single Unit: \_\_\_\_\_  
(address)

\_\_\_\_\_ Neighborhood: \_\_\_\_\_  
(name of neighborhood)

\_\_\_\_\_ Tract: \_\_\_\_\_  
(tract description)

\_\_\_\_\_ Request for Review Waiver of the above unit, neighborhood, or tract.

Please supply the following information regardless of the category for which this application is being completed. If information is unavailable, please so indicate:

**OWNER:** \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**ARCHITECT:** \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**CONTRACTOR:** \_\_\_\_\_ Telephone: \_\_\_\_\_  
Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

**ENGINEER:** \_\_\_\_\_  
Address: \_\_\_\_\_

Telephone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

**LANDSCAPE ARCHITECT/DESIGNER:**  
Telephone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

In accordance with the Article \_\_\_ of the Declaration of Covenants, Conditions, and Restrictions for Drayton Hall and the Design Guidelines, application is hereby made for review and approval of the following described improvements: (Provide brief description)

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In support of this application the following required items are submitted. (See Section II(C) of the Design Guidelines)

**A. Two sets of Plans.** The plans will show the following (where applicable): site plan, floor plan, exterior elevations, roof design, exterior materials and finishes, landscaping plan, and such other items as may be needed to reflect the character and dimensions of the improvements.

**B. Summary.** Written statement summarizing setback, height, and square footage of proposed construction, how these numbers compare with the requirements, and whether any variance requests are made.

If the application is incomplete, the reviewer will notify the applicant as to the needed documents and the application will not be further considered until receipt of these materials.

It is hereby understood and agreed that approval of this application by a reviewer does not constitute approval as to compliance with applicable Georgia law or Gwinnett County ordinances.

Signature of Builder: \_\_\_\_\_ Date: \_\_\_\_\_

**Submit Applications to:**

Drayton Hall Community Association, Inc.

[ADDRESS]

Attn: Architectural Reviewer

**Action by Reviewer:**

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Approved as Noted: \_\_\_\_\_ Date: \_\_\_\_\_

Disapproved: \_\_\_\_\_ Date: \_\_\_\_\_



# I. INTRODUCTION

## A. Purpose of Design Guidelines

The Design Guidelines for Drayton Hall ("Design Guidelines") provide an overall framework and comprehensive set of standards and procedures for the development of the Community in an orderly and cohesive manner. These standards have been developed to assist in the planning, constructing, landscaping, and modifying of Units within Drayton Hall. The standards set forth criteria for design, style, materials, colors, and location of site improvements, landscaping, signage, and lighting. In addition, the Design Guidelines establish a process for review of proposed construction and modifications to Units to ensure that all sites within Drayton Hall are developed with the consistency and quality that attracted you to this development.

## B. Governmental Permits

To the extent that Gwinnett County ordinances or any local government ordinance, building code, or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines, the Declaration of Covenants, Conditions, and Restrictions for Drayton Hall (the "Declaration"), or the local government standards shall prevail. To the extent that any local government standard is less restrictive, the Declaration and the Design Guidelines (in that order) shall prevail.

## C. Preparer

These initial Design Guidelines have been prepared by Camp Branch, LLC, a Georgia limited liability company ("Declarant") and adopted by Declarant pursuant to the Declaration. The Design Guidelines may be changed and amended to serve the needs of an evolving Community pursuant to the procedures set forth in the Declaration and in Article VI of these Design Guidelines.

## D. Applicability of Design Review

Unless otherwise specifically stated in Article IX of the Declaration or these Design Guidelines, all plans and materials for new construction or exterior modifications of improvements on a Unit must be approved before any construction activity begins. Unless otherwise specifically stated in these Design Guidelines, no structure may be erected upon any Unit, and no improvements (including staking, clearing, excavation, grading, and other site work, exterior alteration of existing improvements, and planting or removal of landscaping materials) shall take place without receiving the prior written approval of the appropriate reviewer as described below. Where these Design Guidelines specifically allow an Owner (capitalized terms in these Design Guidelines are defined in the Declaration) to proceed without advance approval, such allowance shall only be effective so long as the Owner complies with the requirements of the stated guideline.

Owners and Builders are responsible for ensuring compliance with all standards and procedures within these Design Guidelines. Owners and Builders are also governed by the requirements and restrictions set forth in the Declaration and any applicable Supplemental Declaration. In

particular, Owners should review and become familiar with the Use Restrictions applicable to Drayton Hall set forth in Article X of the Declaration, which address restricted and prohibited activities and conditions within the Community.

**E. Review Structure**

Architectural control and design review for Drayton Hall is handled by either (i) Declarant or its designee or (ii) the Architectural Review Committee. The term "reviewer," as used in these Design Guidelines, shall refer to the appropriate reviewing entity.

1. Declarant.

Declarant has exclusive jurisdiction over all matters relating to architecture and landscaping, as set forth in Article IX of the Declaration, so long Declarant owns any portion of the Community and so long as Declarant has not terminated such rights by written instrument executed by Declarant and recorded in the Public Records (the period during which Declarant exercises Architectural control will hereafter be referred to as the "Declarant Review Period"). During the Declarant Review Period, Declarant shall review plans and specifications for and shall have jurisdiction over all construction and landscaping on any Unit, shall be the conclusive interpreter of these Design Guidelines, shall monitor the effectiveness of these Design Guidelines, and may, but shall not be obligated to, promulgate additional design standards and review procedures as it deems appropriate.

2. Architectural Review Committee.

The Architectural Review Committee (the "ARC") has jurisdiction over those responsibilities delegated to it by Declarant, if any, during the Declarant Review Period. Following the Declarant Review Period, the ARC has jurisdiction over all Architectural and landscaping matters as set forth in Article IX of the Declaration. Following the Declarant Review Period, the ARC shall review plans and specifications for all construction, modifications, and landscaping on any Unit, shall be the conclusive interpreter of these Design Guidelines, shall monitor the effectiveness of these Design Guidelines, and may promulgate additional design standards and review procedures consistent with these Design Guidelines. Members of the ARC will be appointed by the Board.

**F. Review Fees**

When an Owner (hereafter collectively referred to as "Applicant") submits plans to the reviewer for approval, the submission shall include a "Review Fee." The Review Fee shall be made payable to the Drayton Hall Community Association, Inc., a Georgia nonprofit corporation ("Association"); except in the case of a new home, which shall be paid to Declarant, as follows:

1. *New home* - the original improvement of a Unit from a site into a residential dwelling.

Review fee - \$350.00.

2. *Initial landscaping plan or major modification* - the initial landscaping of a Unit or major modification of landscaping plans.

Review fee - No fee if plan is included with New Home submittal, otherwise \$150.

3. *Major alteration or addition* - a structural or site modification significant enough to warrant the issuance of a building permit by a governmental authority.

Review fee - \$100.00.

3. *Minor architectural modification or addition* - any architectural changes which require architectural review and approval as set forth in the Declaration or these Design Guidelines but a governmental building permit is not required. For example, changing the exterior color scheme of the residence.

Review fee - \$100.00.

4. *Changes to or resubmission of approved or unapproved plans*

Review fee - \$100.00.

## II. DESIGN REVIEW PROCEDURES

### A. Review of New Construction

Plans for new construction upon any Unit must be reviewed and approved by the reviewer, requiring the submission of an Application for Review and payment of the Review Fee. Each Applicant shall submit a conceptual or preliminary site layout and some or all of the plans listed in Section II(C). Exterior finishes and color schemes, if available, and information concerning irrigation systems, drainage, lighting, landscaping, and other features shall be provided. Applicants may request an initial meeting with a representative of the reviewer to address any questions about Drayton Hall and the Design Guidelines.

### B. Review of Modifications

The review of modifications to existing structures or improvements shall require the submission of an Application for Review to the reviewer along with the required Review Fee. Depending on the scope of the modification, the reviewer may require the submission of all or some of the plans and specifications listed below in Section II(C). In the alternative, the reviewer may require a less detailed description of the proposed modification. The review and approval of modifications shall take place within the same time periods as required for new construction.

### C. Plans to be Reviewed

A reviewer may require two sets any of the following plans for new construction or a modification, in addition to the submission of an Application for Review and the payment of a Review Fee:

#### 1. Floor Plan.

Showing decks, patios, stoops, retaining walls related to the residential dwelling, trash enclosures, HVAC equipment and utilities, and the screening for same, interior spacing of rooms, and connections to driveways and walkways. Minimum scale of 1/4" = 1'0".

#### 2. Elevations.

Front, rear, and side exterior elevations showing building materials and finishes, and indicating the maximum height of the residential dwelling.

#### 3. Roof Plan.

Showing slopes, pitches, and gables, unless reflected in the other plans.

#### 4. Exterior Finishes.

Showing the exterior color scheme (including samples and color chips, if requested), lighting scheme, and other details affecting the exterior appearance of the proposed improvements.

5. Landscaping Plan.

Showing location of trees, protection of existing vegetation, use of plants, irrigation systems and other landscaping details. A typical landscape plan is shown below. The requirements for a landscape plan submittal are set forth in Section IV(A).

The initial landscaping plan shall reflect installation of landscaping and landscaping related materials, including irrigation systems, valued at least \$25,000. Plans for installation of landscaping and related materials which do not have such a minimum value of \$25,000 shall not be approved.

6. Other.

Such other information, data, and drawings as may be reasonably requested, including, without limitation, drainage, lighting, satellite dish placement, and other features.

**D. Review Criteria; Recommendations; Variances**

While the Design Guidelines are intended to provide a framework for construction and modifications, the Design Guidelines are not all-inclusive. In its review process, the reviewer may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. Reviewer decisions may be based on purely aesthetic considerations. However, no reviewer shall grant approval for proposed construction that is inconsistent with the Design Guidelines, unless such reviewer grants a variance.

Declarant, prior to the expiration or termination of the Declarant Review Period and the ARC, after the expiration or termination of the Declarant Review Period, shall have the authority from time to time to adopt and revise lists of recommended landscape materials. Declarant or ARC, whichever is authorized, may, in its sole discretion, provide that the lists of recommended materials constitute "approved materials" and that the installation of such materials requires no reviewer approval. Alternatively, the authorized entity which establishes the list(s) may provide that the purpose of the list(s) is merely to provide guidance and that installation of recommended materials does not relieve the Applicant from any obligations set forth in these Design Guidelines to acquire approval prior to installation.

Variances may be granted in some circumstances (including, but not limited to, topography, natural obstructions, hardship, or environmental considerations) when deviations may be required. The reviewer shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a material violation of the Declaration. No variance shall be effective unless in writing, signed by the committee chairperson with the support of a majority of the committee members.

**E. Review Period**

Each Application for Review and plan submittal shall be approved or disapproved within 14 business days of submission of all materials required by the reviewer. Within 14 business days of

receipt of a complete review request, the reviewer shall respond to Applicant. One set of plans shall be returned to the Applicant, accompanied by the reviewer's decision. The other set of plans shall be retained for the reviewer's records. The reviewer's decision shall be rendered in one of the following forms:

1. "Approved" - The entire application as submitted is approved.
2. "Approved As Noted" - The application is not approved as submitted, but the reviewer's suggestions for curing objectionable features or segments are noted. The Applicant must correct the plan's objectionable features or segments, and the Applicant may be required to resubmit the application and receive approval prior to commencing the construction or alteration.
3. "Disapproved" - The entire application as submitted is rejected in total. The reviewer may provide comments but is not required to do so.

If the reviewer fails to respond within 14 days, the Applicant shall give the reviewer written notice of its failure to respond. Unless the reviewer responds within an additional 10 days of receipt of such notice, approval shall be deemed granted. However, no construction or modification that is inconsistent with the Declaration or the Design Guidelines shall be deemed approved, unless the reviewer has granted a variance.

**F. Appeal**

Any Applicant shall have the right to appeal a decision of the reviewer by resubmitting the information, documents, and fees set forth above; however, such appeal shall be considered only if the Applicant has modified the proposed construction or modification or has new information which would, in the reviewer's opinion, warrant a reconsideration. If Applicant fails to appeal a decision of the reviewer, the reviewer's decision is final. In the case of a disapproval and resubmittal, the reviewer shall have 10 days from the date of each resubmittal to approve or disapprove any resubmittal. The filing of an appeal does not extend any maximum time period for the completion of any new construction or modification.

**G. Gwinnett County Approval**

The review and approval of plans and specifications shall not be a substitute for compliance with the permitting and approval requirements of Gwinnett County or other governmental authorities. It is the responsibility of Applicant to obtain all necessary permits and approvals.

**H. Implementation of Approved Plans**

All work must conform to approved plans. If it is determined by the reviewer that work completed or in progress on any Unit is not in compliance with these Design Guidelines or any approval issued by the reviewer, the reviewer shall, directly or through the Board, notify the Owner and Builder, if any, in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner and/or Builder to remedy the same. If the Owner and/or Builder fails to remedy such noncompliance or fails to commence and continue

diligently toward achieving compliance within the time period stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Design Guidelines.

1. Time to Commence.

If construction does not commence on a project for which plans have been approved within 12 months of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Applicant to resubmit the plans to the appropriate committee for reconsideration.

2. Time to Complete.

The reviewer shall include in any approval a maximum time period for the completion of any new construction or modification. If no maximum time period is specified in the approval, construction shall be completed within one year of its commencement. The Applicant may request an extension of such maximum time period not less than three days prior to the expiration of the maximum time period, which the reviewer may approve or disapprove, in its sole discretion.

If construction is not completed on a project within the period set forth in the approval, within the one year default period, if applicable, or within any extension approved by the reviewer, the approval shall be deemed withdrawn, and the incomplete construction shall be deemed to be in violation of the Declaration and these Design Guidelines.

**I. Changes After Approval**

All proposed changes to plans, including changes that affect the exterior of any building, colors, windows, grading, paving, utilities, landscaping, or signage, made after the approval of plans must be submitted to and approved in writing by the reviewer prior to implementation. Close cooperation and coordination between the Applicant and the reviewer will ensure that changes are approved in a timely manner.

If Gwinnett County or any other authority having jurisdiction requires that changes be made to final construction plans previously approved by the reviewer, the Applicant must notify the reviewer of such changes and receive approval from the reviewer prior to implementing such changes.

**J. Enforcement**

In the event of any violation of these Design Guidelines, Declarant or the Board may take any action set forth in the By-Laws or the Declaration, including the levy of a Specific Assessment pursuant to the Declaration. Declarant or the Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, Declarant or the Board shall be entitled to recover the costs incurred in enforcing compliance and/or impose a fine against the Unit upon which such violation exists.

### III. DESIGN STANDARDS

The following specific site criteria shall apply to all proposed or existing construction within Drayton Hall unless a variance is granted by a reviewer. Drayton Hall is designed to be a community which reflects a particular style of American architecture, specifically Georgian and Old World styles.

#### A. Accessory Buildings

Owners shall secure reviewer approval prior to construction of any accessory building, including garden or tool sheds. For standards regarding playhouses, see III(W) below. A detached garage is not considered an accessory building. Accessory buildings shall meet the following criteria:

1. An accessory building must be of the same color, material, and architectural style as the main residence or of color, material, and style that is generally recognized as complementary to that of the main residence. An accessory building's roofing materials shall match those of the main residence.
2. Any utilities servicing accessory buildings shall be installed underground.
3. Accessory buildings generally shall be located in the rear yard but may not be located within an easement area, shall not unreasonably obstruct any adjacent neighbor's views and must be screened by a fence or vegetation.
4. No contractor or Builder shall erect on any Unit any temporary building for use in connection with construction on such Unit. However, the reviewer may in its sole discretion waive this requirement for temporary construction trailers.

#### B. Additions and Expansions

Reviewer approval is required for any addition to or expansion of a residence. Materials shall match the existing residence.

#### C. Addressing

Every Owner shall provide an address sign for the residence that is incorporated into the design of the residence and clearly visible from the street. Painting of address numbers on the street curb is prohibited.

#### D. Air Conditioning Equipment

No window air-conditioning unit shall be installed which is visible from the street.



**E. Antennas and Communication Dishes**

Except as otherwise provided by law, satellite dishes shall be restricted in size to 40" or less and shall be located behind the rear portion of the dwelling in the rear yard of the Unit and screened from view of the street and sidewalk, unless the applicant demonstrates that such placement unreasonably interferes with reception. Standard television antennas may be installed if such are located on the rear pitch of the roof and not visible from the street. No other exterior television, radio antennas or satellite dish or receiver, or solar equipment of any sort shall be placed, allowed or maintained upon any portion of a structure or Unit without prior written approval of by the reviewer.

**F. Architectural Standards**

The exteriors of all buildings must be designed to be compatible with the natural site features of the Unit and to be in harmony with their surroundings. The land forms, the natural contours, local climate, vegetation, and the views should dictate the building location, the building form, and the architectural style. The reviewer may disapprove plans if in its judgment the massing, architectural style, roof line, exterior materials, colors, or other features of the building do not meet these standards.

**G. Awnings and Overhangs**

The installation of awnings or overhangs requires reviewer approval. The awning or overhang color must be the same as or generally recognized as complementary to the exterior of the residence.

**H. Birdbaths, Birdhouses, and Bird-feeders**

Reviewer approval is not required for the rear yard installation of any birdbath that has height of three feet or less, including any pedestal. Placement of such items in any front or side yard requires reviewer approval. No reviewer approval is required for one rear yard installation of a birdhouse or birdfeeder. Such birdhouse or birdfeeder shall measure no more than one foot by two feet. Additional feeders or installation in front or side yard requires reviewer approval.

**I. Woodpiles and Storage of Fuel**

All woodpiles shall be kept and maintained in the rear yard only and be screened by adequate planting and/or fencing so as to conceal them from view of neighboring residences and the streets. No clotheslines or above-ground tanks for the storage of fuel, water, or any other substance shall be located on any Unit.

**J. Compost**

One compost pile measuring not more than three feet in diameter and three feet in height may be permitted on the rear yard if such is adequately screened by planting and/or fencing so as to conceal them from view of neighboring residents and the street. Owners shall be responsible for

ensuring that compost piles are maintained in a manner which does not emit odors or attract rodents or insects, which may result in appropriate sanctions if allowed to occur.

**K. Decks and Balconies**

Owners shall secure reviewer's approval before installing decks or balconies. Decks and balconies must be constructed of wood or other material similar to that of the residence and, if painted, must be painted a color similar to or generally acceptable as complementary to the residence. Decks and balconies must be installed as an integral part of the residence or patio area. Any such decks or balconies must be located so as not to obstruct or diminish the view of or create an unreasonable level of noise for adjacent property owners. Construction shall not occur over easements and must comply with the applicable Gwinnett County requirements.

Actual sizes and shapes of materials must be specified and determined on the architectural plans. Porch rail systems should be appropriate based on the period style of the home. All vertical porch supports shall be match the primary masonry material found on the rest of the home. Only horizontal wood surfaces will be allowed to be stained or left natural to weather.

**L. Pet Runs and Houses**

No structure for the care, housing, or confinement of any animal shall be constructed, placed or altered on any Unit unless plans and specifications for said lot have been approved by the reviewer. No stable, poultry house, rabbit hut, or other similar yard structure, with the exception of a doghouse, shall be constructed or allowed to remain on any Unit. The installation, construction or maintenance of other pet houses or pet runs shall be made only with the approval of the reviewer.

**M. Exterior Lighting**

Except for seasonal Christmas decorative lighting, all exterior lights must be approved by the reviewer. Christmas lights shall be permitted not earlier than Thanksgiving and must be removed no later than January 15<sup>th</sup>. Christmas displays which, in the opinion of the reviewer, create traffic congestion or become an annoyance to adjacent property owners shall not be allowed. The reviewer may take into consideration the visibility and style of the fixture and its location on the home. Exterior lights shall be conservative in design and small in size as practical. Lights shall be directed toward the house or ground and limited in wattage to 2,000 lumens. Low voltage (12 volt) lighting is preferred.

**N. Flagpoles**

Flagpoles are not allowed. Decorative or seasonal flags must be mounted on the main residential dwelling, shall not exceed the roof line of the main residential dwelling, and may only be flown on holidays.

**O. Garage**

Three car garages are standard. Any garage doors facing a street shall be recessed at least 10 inches from the foremost front facade. Staggered or offset garage doors are encouraged. Garage doors shall not dominate the street view of the home.

All garage doors shall have a "carriage door" design and be stained or painted in a manner consistent with the design and colors of the residence. Pedestrian doors will be included where possible in order to gain access into garages without having to raise the garage doors.

Such garages shall be compatible with and complementary to the main residence in architectural style, material, color, and location. Review shall be made on a case-by-case basis. Carports shall be prohibited. Garage doors shall not be removed and shall remain closed except during periods of ingress and egress.

**P. Gazebos and Greenhouses**

Reviewer approval is required prior to the construction of any gazebo or greenhouse. Any gazebo or greenhouse must be an integral part of the landscape plan and must not obstruct any adjacent property owner's view.

**Q. Homes - Minimum Dwelling Sizes**

The minimum square footage of heated space within the frame line of any residential dwelling ("finished area") permitted on each Unit shall be 4,500 square feet.

**R. Hot Tubs and Saunas**

Reviewer approval is required for the installation of any hot tub, jacuzzi, sauna, or spa. Any hot tub, jacuzzi, or spa shall be an integral part of the deck or patio area and/or the rear yard landscaping. A hot tub, jacuzzi, or spa shall be located in the rear or side yard, shall be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. Owners may be required to install safety features such as locks or covers for these items when such are not in use.

**S. Latticework**

Latticework or a garden trellis which is a part of the landscaping or exterior of a structure must be approved.

**T. Materials and Colors**

The reviewer must approve all exterior materials, including type, color, texture, and durability, as well as the extent of use of any single material or combination of materials.

Materials chosen shall be appropriate for the theme and scale of the building, compatible with its location, and expressive of the Community's desired character and image. All building materials must be used in a way which is appropriate and consistent with historical precedents.

Incorporating more than one material on exterior walls is allowed, provided that their use does not detract from the building's overall design and form. Masonry veneers shall be consistent on all elevations.

At least 90% of all exterior walls (excluding doors and windows) shall be of a brick, stone, or masonry material. All materials should appear as structural elements and not as superficial coverings. Owners shall seek reviewer approval before installing or replacing siding which differs from original material. Brick, stone, and hard coat stucco are all acceptable, historically rooted building materials. All masonry surfaces should carry to grade or structural support. All masonry must terminate on an inside corner. No synthetic stone or stucco will be permitted within Drayton Hall.

The use of the following materials is prohibited without the express written consent of the reviewer:

- Metal structures such as sheds
- Metal as a building skin
- Multi-colored masonry
- Mirrored glass
- Exposed cinder block

#### **U. Paint**

Owners may repaint in accordance with the originally approved color scheme of any dwelling or improvement. Reviewer approval is required for all changes in exterior painting. Review criteria may include, but shall not be limited to, the sheen of paint, the home's architecture, any existing stone or brick accents, roof color, and neighboring properties' colors. Primary colors for all exterior building surfaces must complement the architectural theme of the house.

#### **V. Patios**

Reviewer approval is required for the construction of patio covers, open patios, and enclosed patios. Patio covers shall be constructed of wood or material generally recognized as complementary to the residence and be similar or generally recognized as complementary in color to the exterior color of the residence.

Open patios must be an integral part of the landscape plan and must be located so as not to create an unreasonable level of noise for adjacent property owners. The patio color must be similar to or generally accepted as a color complementary to the design and color of the residence.

Enclosed patios shall be constructed of materials that are similar to or generally accepted as complementary to those of the residence.

**W. Playhouses**

A playhouse shall be considered an accessory building if it measures more than 24 square feet, is more than 6 feet high from peak to ground, or is constructed on a concrete slab or footing. Play structures must be constructed of natural materials, complemented by landscape features, and finished with neutral colors which complement the primary home exterior.

**X. Pools**

Reviewer approval is required for the construction or installation of pools. Pools shall be an integral part of the deck or patio area and/or the rear yard landscaping. A pool shall be located in the rear or side yard, shall be installed in such a way that it is not immediately visible to adjacent property owners, and shall not create an unreasonable level of noise for adjacent property owners. Pools shall be fenced for safety purposes, and Owners may be required to install safety features such as locks or covers for these items when they are not in use. No above-ground pools are permitted.

**Y. Recreational Equipment**

Installation of all basketball goals requires reviewer approval. Basketball goals may only be placed or installed in the rear of a Unit so that it is not visible from the street and shall not be placed on the front of the structure or garage at any time. Freestanding pole-mounted backboards are prohibited in the front yard, whether permanent or sleeve-set. Pole-mounted basketball goals must be mounted on black poles and have backboards either clear or white, providing same are not visible from the street unless waived by the reviewer. The review of rear yard pole-mounted backboards shall be based upon, but not limited to, the following considerations: proximity of goal to property lines and proximity of goal to neighbors' living areas, landscaping, and vehicles.

Approval is required for the installation of play and sports equipment taller than seven feet. All play equipment must be wood construction, environmentally and aesthetically compatible, and approved by the reviewer. Ten foot portable basketball goals may be permitted, provided such goals are stored out of view when not in use. Owner shall exercise consideration toward neighbors; any such equipment shall be set back a reasonable distance from adjacent property lines so as to avoid disturbance of neighbors and shall not obstruct neighbors' views of open spaces. Treehouses are prohibited. Trampolines may be permitted; however, the location of such trampoline must be approved by the reviewer and must be installed in ground.

**Z. Roofing**

Roof lines, gables, and roof forms should be varied to avoid a continuous one level elevation along the street. Roof forms should be pitched at no less than 8/12, while accent forms may be pitched as high as 18/12. Dormers may exhibit arched, gabled, mansard, or hipped forms. Homes located on corner lots shall have the appearance of a front elevation facing each street.

Colors may vary from dark to medium shades of gray and brown. Although some variety is encouraged, the reviewer may disapprove any shingle if the material or color contrasts too dramatically from other roofs in the Unit's vicinity. Asphalt shingles must be of a high-end, with a minimum 40-year life rating. Reviewer approval is required for a roof-material change.

The following design features are encouraged:

- Flared eave pitches;
- Dormers projecting through the cornice line;
- Gable roof structures;
- Bow arched or hipped forms; and
- Circular windows within an arch roof

**AA. Roof Accessories and Equipment**

Reviewer approval is required for all rooftop equipment and accessories, unless specifically excepted in this Section. All rooftop equipment must match roofing colors or be of a color that complements the house and must be placed as inconspicuously as possible. Exposed flashing gutters and downspouts must be painted to match the fascia and siding of the structure. No exposed attachment straps will be allowed.

Any installed solar energy equipment shall have the appearance of a skylight, shall have a finished trim material or curb, and shall not be visible from the street. Landscaping or other buffering may be required for solar panels.

Reviewer approval is not required for skylights having measurements of three feet by five feet or less. Skylights should be placed in locations so as not to detract from the building elevations.

**BB. Setbacks and Yards**

Set back requirements from property lines are established by the Declarant and Gwinnett County ordinance and are subject to public utility easements, drainage easements, right-of-way, and landscape easements depicted on the Recorded plats.

**CC. Siding**

Owners shall seek reviewer approval before installing or replacing siding which differs from original material.

**DD. Signs**

No sign whatsoever shall, without the reviewer's prior written approval of plans and specifications therefor, be installed, altered, or maintained on any Unit or on any portion of a structure visible

from the exterior thereof, except: one temporary sign per Unit that advertises property for sale, which has a maximum face area of four square feet, and which is conservative in color and style; such permits as may be required by legal proceedings; such permits as may be required by governmental entity.

"For Rent" or "For Lease" signs are prohibited. In no event during approved construction of any structure shall more than one job identification sign be approved by the reviewer.

**EE. Statues**

Reviewer approval is not required for the rear-yard installation of any statue which, including any pedestal, stands no more than five feet tall. All other statues or yard orientation is subject to reviewer approval.

**FF. Temporary Structures**

Temporary structures, other than those used during the initial construction of a residence, including without limitation, shacks, are prohibited. Reviewer approval is required for tents other than camping tents that are used for occasional overnight sleeping by children and are left standing for 72 hours or longer.

**GG. Trash Containers**

Trash or containers shall be enclosed or screened from view of adjacent property. Trash containers shall be kept in a manner which is not visible from the street or adjacent residence at all time other than during trash collection.

**HH. Unit Layout**

Buildings shall be designed within the constraints of the topography. Using structures to accommodate slopes is encouraged in lieu of extreme cut/fill slopes and construction of retaining walls.

When space allows, side loaded garages are preferred over front loaded garages. Building setbacks may be decreased, within the limits of Gwinnett County requirements, to allow for side loaded garages with reviewer approval.

Secondary and service entrances shall be located where they are convenient for residents and service vehicles but are not visually distracting to neighboring Units and public streets.

**II. Utilities**

Pipes, wires, poles, utility meters, and other utility facilities shall be kept and maintained, to the extent reasonably possible, underground or within an enclosed structure. Any utilities or utility equipment not installed below ground or within an enclosed structure requires reviewer approval. Utilities include water, sewer, power, telephone, cable television, and miscellaneous conduits.

**JJ. Windows, Doors, and Trim**

Windows should be clear glass or a tinted glass of bronze, gray, green, or smoke colors. No reflective glass or reflective tinting may be used. All windows shall be simulated divided light ("SDL") windows on all four sides.

Window trim is to be of wood or stucco, preferably in natural stains and recessed a minimum of 2" from wall face. Metal trim in dark or bronze colors is allowed; however, mill finish aluminum is prohibited. White window trim may be allowed if the reviewer deems it appropriate.

Reviewer approval is required for exterior shutters. Shutters should be hinged and of a material similar to and color and design generally accepted as complementary to the exterior of the house.

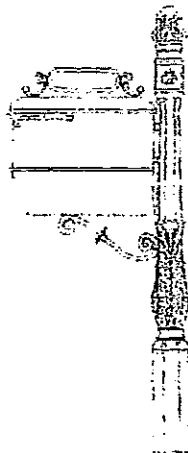
Reviewer approval is not required for the addition of screen doors or other type doors to a home or an accessory building if the material matches or is similar to existing doors on the house and if the color is generally accepted as complementary to that of existing doors on the house. The reviewer must approve security treatments for doors and windows; however, no "burglar bars," steel or wrought iron bars, or similar fixtures shall be installed on the exterior of any windows or doors of any dwelling.

The front door and entryway of the residence should provide its focal point and be treated in an architecturally optimum manner.

Doors and entryways should relate to the overall scale and detail of the residence.

**KK. Mailboxes**

Owners shall only use mailboxes available from the Declarant. Replacement mailboxes shall be substantially similar to the mailbox shown in the figure below.





## IV. LANDSCAPING AND SITE STANDARDS

Landscaping is an essential element of design at the Drayton Hall. All site plans must be approved by reviewer.

### A. Initial Landscaping

Unless landscaping is provided with the purchase of the Unit, within 90 days of recordation of the deed of a Unit to an Applicant, or within any extended period as may be provided in writing by the reviewer, the Applicant shall develop a plan for landscaping and for an automatic irrigation system and shall install and maintain such landscaping and automatic irrigation system on such Unit (subject to such extensions granted by the reviewer due to weather conditions).

The landscaping plan should include the following:

1. Format to be 24" x 36" sheet size.
2. Site plan with property boundary, footprints of permanent structures, and locations and identifications of every hardwood tree with a diameter of eight inches or more at a height of three feet above grade.
3. Project location and Owner's name.
4. North arrow, drawing scale, sheet number, and date.
5. Planting plan showing locations of proposed and existing plants. Plants should be drawn at mature size.
6. Construction details for all structural elements; i.e., retaining walls over 2'-6", pools, decks, paving, hardscape, walls, and landscaping lighting.
7. Submit 2 copies of the package.

### B. Drainage

Drainage of the Unit must conform to all Gwinnett County requirements. All drainage and grading must be indicated on the plans approved by the reviewer. There shall be no interference with the established drainage pattern over any property except as approved in writing by the reviewer. The established drainage pattern is defined as the drainage pattern as engineered and constructed by the Declarant or approved Builder prior to (or in some cases, immediately following) conveyance of title from Builder to the individual homeowner. Owners may make minor drainage modifications to their Units provided that they do not alter the established drainage pattern.

Landscape plans shall conform to the established drainage pattern, shall cause water to drain away from the foundation of the house, and shall prevent water from flowing under or ponding near or

against the house foundation. Water should flow fully over walkways, sidewalks, or driveways into the street. The reviewer may require a report from a drainage engineer as part of landscaping or improvement plan approval. Sump pump drainage should be vented a reasonable distance from the property line to allow for absorption.

**C. Fences and Walls**

No fence or wall of any kind shall be erected, maintained, or altered on any Unit without prior written approval of the reviewer of plans and specifications for such fences and walls.

1. Materials; Types.

All fences shall be submitted for approval. Materials used shall be wrought iron or powder coated aluminum which mimics the appearance of wrought iron. No solid privacy fences will be allowed under any circumstances. Where privacy is necessary or desirable, landscaping solutions are preferred. Low walls of no more than 36 inches of stone or brick may be permitted.

2. Reviewer's Authority.

Declarant, prior to the expiration or termination of the Declarant Review Period and the reviewer, after the expiration or termination of the Declarant Review Period, shall have the authority from time to time to create, revise, or eliminate a list of pre-approved fence types and/or fence materials.

3. Maintenance.

Any fences or walls, whether constructed by the Owner or a Builder, shall be well repaired and maintained consistent with the Community-Wide Standard. In the event a fence or wall is damaged or destroyed, the Owner shall repair or recondition the same at the Owner's expense.

**D. Grading**

Owners shall not grade their property so as to interfere with the established drainage pattern over any property except as approved in writing by the reviewer. Owners should work with the natural contours and seek solutions that minimize the impact of grading with respect to major alterations of existing grades.

Owners may create berms, slopes, and swales for the purpose of defining space and screening undesirable views, noise, and high winds. Grassed slopes or berms are suggested not to exceed three feet of horizontal distance to one foot of rise or vertical height (3 to 1 slope) in order to permit greater ease of mowing and general maintenance.

**E. Paving; Driveways**

Owner shall secure reviewer's approval prior to paving with any paving material, including concrete, asphalt, brick, flagstone, stepping stones, and pre-cast patterned or exposed aggregate concrete pavers, and for any purpose, including walks, driveways, or patio areas. Owners shall

secure reviewer approval before extending or expanding any driveway. The initial permitted paving material shall be concrete or stone pavers at the driveway apron with the remainder of the driveway being constructed of concrete, unless other materials are expressly permitted by the reviewer.

Second driveways may be permitted; however, the location of such driveways must be approved by reviewer.

**F. Retaining Walls**

All retaining walls require approval by the reviewer. Such walls shall be properly anchored to withstand overturning forces. Stone walls shall be made thicker at the bottom than at the top to achieve stability. All retaining walls shall incorporate weep holes into the wall design to permit water trapped behind them to be released. All walls shall be constructed of brick or stone. No timber walls allowed. Walls shall not be located so as to alter the existing drainage patterns.

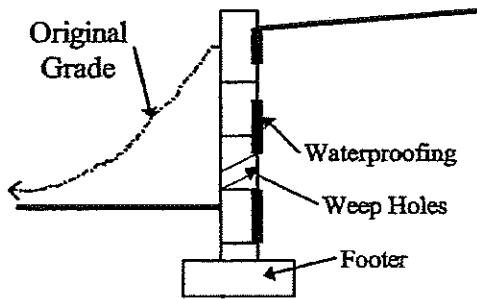


Figure \_\_

In addition to retaining walls, Owners may build other walls on their Units, provided that such walls are approved by the reviewer and that such walls are made of brick.

## V. CONSTRUCTION GUIDELINES

### A. Inspections

The Applicant shall schedule and coordinate a review of all construction activities with the reviewer to verify compliance with the approved plans and specifications. The reviewer may also perform additional periodic informal inspections to ensure that work is being performed in conformance with approved plans, these Design Guidelines, and the Community-Wide Standard. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from Gwinnett County and other organizations having jurisdiction.

Job sites not in compliance with the Declaration, these Design Guidelines, or approved plans will be issued a Notice of Violation and a punchlist of items needed to bring the construction and/or job site into compliance. Further construction is prohibited until such punchlist items have been corrected.

### B. Construction Damages

Prior to commencing any approved work within the Community, the Owner shall post a \$1,000.00 construction bond with Declarant. Any damage to vegetation or Common Area facilities caused by the Applicant, its contractors, sub-contractors, agents, or employees shall be corrected by Declarant using funds from the construction bond. After any use of construction bond funds, Declarant shall have the right to demand that the construction bond be replenished.

### C. Conduct

The Applicant must ensure that all contractors and subcontractors control the conduct of their employees while working in Drayton Hall. Loud music, profanity, and other behavior which is unbecoming of a quality operation will not be tolerated. Employees violating this policy may be asked to leave the premises and may be denied access at the construction entrance.

Work shall only be performed Monday through Saturday from 7 a.m. until 7 p.m. Declarant, and once Declarant no longer has the right to appoint and remove directors and officers of the Association, the Association shall have the right to fine the contractor, and if the contractor does not pay, the Owner of the Unit on which the work is occurring.

### D. Site Cleanliness

All sites must be maintained in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site and stored neatly and orderly. All construction debris shall be cleared at the end of each working day.

## **VI. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES**

These Design Guidelines may be amended as follows:

- A. So long as Declarant owns any portion of the residential properties or has the authority to expand the residential properties pursuant to Section VII of the Declaration, Declarant may, in its sole discretion, amend these Design Guidelines as they apply to the residential properties, notwithstanding any delegation of reviewing authority to the ARC.
- B. When Declarant no longer owns any portion of the residential properties or no longer has the authority to expand the residential properties pursuant to Section VII of the Declaration or has delegated its right to amend these Design Guidelines, these Design Guidelines may be amended only upon the affirmative vote of two-thirds of the members of the ARC and the consent of the Board.
- C. Such amendment shall be published and/or promptly posted in a prominent place within the Community.
- D. All amendments shall become effective upon adoption by the Declarant, so long as Declarant has the authority to amend these Design Guidelines or, if the Declarant no longer has such authority, upon adoption by the ARC. Such amendments shall not be retroactive so as to apply to previous work or approved work in progress.
- E. In no way shall any amendment to these Design Guidelines change, alter, or modify any provision of the Declaration or any Supplemental Declaration.