

The Preserve at Hamilton Mill

Homeowners Association Design Guidelines

Version 1.0

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Preface

These guidelines conform as closely as possible to provisions of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) of The Preserve at Hamilton Mill (known as “The Preserve” in this document) and provide additional guidance to help ensure a pleasant, harmonious and cohesive appearance to The Preserve.

Items detailed as "prohibited" in portions of this document may preexist within The Preserve and are allowed to remain in place if documentation is produced by the homeowner (upon request of the Architectural Control Committee) to show it was properly submitted, reviewed and approved by the Architectural Control Committee (ACC) *OR* that the builder installed such items. Future modification requests involving these "prohibited" items may result in those items being replaced with more harmonious materials detailed in this document.

As of the release date of this document (see bottom right corner of page), the Landscape Committee's primary function is to serve as a liaison between the landscaping contractor and homeowners. The committee is also responsible for maintaining and negotiating the contract with the landscaper and setting service level expectations. The committee should consist of at least three members – each must be a homeowner in good standing with the community and reside in The Preserve.

The function of reviewing landscaping modification requests has been returned to the ACC as it is described in the CC&Rs.

Purpose of the Guidelines

The primary purpose of these *Design Guidelines* is to familiarize homeowners of The Preserve with the objectives, scope, and application of design standards and guidelines which will be used to maintain the aesthetic appearance and environmental quality of The Preserve community.

The *Design Guidelines* provide specific design standards which have been adopted by the ACC and approved by the Board of Directors of The Preserve Homeowners Association (HOA). It also explains the review process of proposed modifications which must be adhered to by homeowners seeking approval for any exterior modifications or changes to their homes or lots which are subject to approval by the ACC. These *Design Guidelines* will serve as a valuable resource and will assist homeowners in preparing acceptable modification requests for review by the ACC. All homeowners are encouraged to familiarize themselves with this document and retain the *Design Guidelines* for future use.

Basis for and Objectives of Covenants, Conditions and Restrictions

The legal documents for The Preserve HOA contain covenants, including those pertaining to design standards. Legally, these covenants are part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, regardless of whether or not these owners are familiar with such covenants.

The primary purpose of design covenants is to maintain environmental and architectural design standards for the entire neighborhood. The declaration and enforcement of design standards is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the neighborhood;
- Promote harmonious architectural and environmental design qualities and features;
- Promote and enhance the visual and aesthetic appearance of the neighborhood.

The enforcement of design standards not only enhances the physical appearance of a neighborhood but protects and preserves property values. Homeowners who reside in association neighborhoods which enforce design covenants are protected from actions of neighbors which can detract from the physical appearance of the neighborhood and, in some cases, diminish property values.

Surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

Role of the Architectural Control Committee (ACC)

All homeowners in The Preserve are automatically members of The Preserve HOA. The HOA is a Georgia not-for-profit membership corporation which owns and is responsible for the upkeep and maintenance of all common properties within the neighborhood. The HOA is also responsible for the administration and enforcement of all covenants which are applicable to property owners, including design standards and restrictions. Article II, Section 1 of the CC&Rs indicates “the purpose of the Architectural Control Committee is to assure that the installation, construction or alteration of any Structure on any Lot is reviewed, prior to approval (i) as to whether the proposed installation, construction or alteration is in conformity and harmony of external design and general quality with the existing standards of the neighborhood and with the standards of the development of the Property; and (ii) as to the location of the Structures with respect to topography, finished ground elevation and surrounding Structures. To the extent necessary to carry out such purpose, the Architectural Control Committee shall have all of the powers and duties to do each and everything necessary, suitable, convenient or proper for, or in connection with or incidental to, the accomplishment of such purpose, including, without implied limitation, the power and duty to approve or disapprove plans and specifications for any installation, construction or alteration of any Structure on any Lot.” Structure is defined in Article I, Section 15 of the CC&Rs.

The ACC is responsible for administering the HOA's Design Guidelines with respect to exterior modifications proposed by Lot owners to homes and Lots. The ACC shall review and provide a decision for modification requests from Lot owners for exterior construction, addition, erection, or alteration to a home or Lot. The review process is broadly outlined in Article II, Section 4 of the Covenants with more detail provided in these Design Guidelines which are approved by the HOA Board of Directors. As part of its responsibilities, the ACC will make recommendations to the Board of Directors with respect to the modifications of the Design Guidelines initially approved by the Board.

Modifications Requiring Review and Approval from the ACC

Essentially, all changes, permanent or temporary, to the exterior appearance of a building or Lot are subject to review and approval by the ACC prior to start. The review process includes, but is not limited to, major additions and alterations, such as adding a room, deck, or patio as well as minor items as repainting portions of a home's exterior or any changes in color and materials. Approval is also required when an existing item is to be removed.

There are exceptions to this otherwise inclusive review requirement:

- 1) Minor exterior building components may be repaired so long as there is no change in the type of material and color. This includes minor touch-up painting in damaged areas.
- 2) Repainting exterior of the home with paint of same color and sheen.
- 3) Minor landscape modifications, such as;
 - a) Replacing annual plants which only last about six (6) months.
 - b) Replacing a single specimen (as in the case of a dead or dying plant) with similar item (same mature size).

Additional information may be found in the **Design Guidelines** section on page 7 of this document. If there is any doubt as to whether or not a proposed exterior modification is exempt from design review, homeowners should first seek approval from the ACC before proceeding with the modification.

Application and Review Procedures

Applications and review procedures used by the ACC are as follows:

- 1) Proposed modifications **must be submitted to the ACC** using **The Preserve's Modification Request form**, which is available by sending an email to ThePreserveACC@gmail.com or to kgilkes@adk-inc.com.
 - a) **Modification Request forms must be complete** in order to begin the review process. Incomplete or insufficient modification requests will slow the review process and result in the homeowner being notified of any deficiencies that must be remedied in order for the modification to be considered for review.
 - b) The modification request must include sufficient information to provide a complete and accurate description of the proposed modification(s). In order to permit evaluation by the ACC, **supporting materials** will frequently be required. Items that may be required include, but are not limited to:
 - i) A site plan showing the location and dimensions of the proposed modification;
 - (1) It is the homeowner's responsibility to ensure modifications are within property lines.
 - (2) Modifications extending past property lines will be corrected at the homeowner's expense.
 - ii) Architectural drawings or plans;
 - iii) Landscape plan;
 - iv) Material samples, color samples, etc;
 - (1) Samples, may be placed into the drop box located on the front porch of the clubhouse (please be sure items are labeled with the related address and area of application).
 - c) The form provides instructions for submitting the modification request which include:
 - i) eMailing the form and supporting documents to kgilkes@adk-inc.com (preferred method) *OR*
 - ii) Mailing the form and supporting materials to American Dream Keepers, care of Ken Gilkes, PO Box 870470, Stone Mountain, GA 30087
- 2) Homeowners should receive notice of receipt from American Dream Keepers and/or the ACC.
- 3) The ACC will make every effort to respond (approve, disapprove, request additional information) to any Modification Request within thirty (30) days of receipt of a **properly completed** request (for homeowners providing detailed requests with proper supporting documentation and supporting materials, the ACC will make every effort to expedite the decision making process).
 - a) The review period starts when the ACC receives a complete Modification Request (complete Modification Request form and adequate support documentation including any additional information or materials reasonably requested by the ACC). Homeowners should ensure they are aware of all required documentation prior to submitting the request.
 - b) A Board or ACC_member is in no way obligated, but may voluntarily assist a fellow homeowner in the preparation of the request form and/or supporting material. This assistance is neighbor to neighbor and will in no way constitute an immediate nor future approval of any portion of the modification. The HOA, Board nor ACC may be held liable for any situation which may arise from this neighborly assistance.
 - c) Homeowners with approved Modification Requests should start the project within 6 months of the approval date and must make every effort to complete the modification within 9 months of the approval date. Should the modification extend past the time limits, the homeowner must submit a new Modification Request to the ACC for consideration.

- 4) Homeowners who have submitted a complete Modification Request with proper supporting materials **will be provided written notice of the ACC decision** (approval/disapproval). When available, written notice will be provided through e-mail; otherwise notification will be sent via USPS.
- 5) Homeowners may **appeal a disapproval** from the ACC to the HOA's Board of Directors by submitting a written request (email is preferred) to any or all members the Board of Directors (sending to the email address HOABoardatThePreserve@gmail.com should reach all board members). The appeal must be received by the Board of Directors within thirty (30) days of the date of the ACC's notice of disapproval. The appeal should include all material from original request as well as any additional information which might clarify the modification or demonstrate its acceptability. The Board may, at its discretion, conduct an informal hearing related to the appeal and will respond **to the homeowner and ACC** via email in thirty (30) days or less from the date of receipt of an appeal.

Enforcement

Homeowners making modifications without prior approval of ACC or HOA Board may be required to return the Lot to the pre-modification state, at the homeowner's expense.

Homeowners must take reasonable steps to remedy improper modifications within twenty (20) days of the mailing of the violation notice, in compliance with Article XII, Section 1 of the CC&Rs. Failing to do so may result in the HOA arranging for a contractor to correct the issue (abate, extinguish, remove, repair, etc) at the homeowner's expense (including any and all legal fees). These contractors, as well as Board and ACC members, may enter the Lot and/or structure in violation at all reasonable times without the entry being deemed to have committed a trespass or wrongful act.

Property Maintenance Standards

- 1) All portions of a Lot without Structures must be maintained with grass or other vegetation. No bare earth may be exposed on a Lot. Rare exceptions may be made by the ACC through the normal modification request process. *CC&Rs - Article X, Section 20d and 20e*
- 2) No trash, trash container, or debris may accumulate or be stored in a visible location on a Lot. Construction materials required for an approved modification to a home or Lot should be neatly stored in an unobtrusive location on the Lot when not in use. *CC&Rs - Article X, Section 16n*
- 3) The exterior of a home must be properly maintained. No significant blistering or peeling of exterior painted surfaces is permitted. No stains or discoloration from soil, mold or mildew is permitted. Any exterior building components (i.e., siding, gutters and downspouts, roof shingles, windows and doors) which are missing, broken or otherwise in a state of disrepair must be repaired as quickly as possible, with approved materials and appropriate approvals from the ACC (see also **Modifications Requiring Review and Approval from the ACC** on page 5 of this document). *CC&Rs - Article VIII, Section 2*

Design Guidelines

The specific Design Guidelines detailed below have been adopted by the ACC and approved by the HOA Board of Directors. Please use these as a reference when planning modifications to Lots and structures.

Air Conditioning Units/Heat Pumps

Relocation of exterior central air conditioning units and heat pumps require ACC approval and homeowners should consider potential adverse visual and noise impacts to adjoining properties in the plan. The ACC will not approve requests for the installation of window or wall air conditioning units or fans. *CC&Rs - Article X, Section 16h*

Exception: Replacing exterior central air conditioning units and heat pumps in the original location, with a unit of the same size, do not require approval from the ACC.

Antennas and Satellite Dishes

Article X, Section 11 of the CC&Rs specifically denies the erection of free-standing satellite dishes as a means of maintaining a harmonious landscape and helping prevent conflict between neighbors.

Homeowner requests for satellite dish installations should consider:

- 1) **Location** - Devices are not to be installed in the front of the Lot nor on the front facade of a residence. The device should be located so as to be as visually unobtrusive as possible, in the rear yard or situated on the rear side of the roof ridge line, so as to have no, or minimal, visibility from the front of the home.
- 2) **Size** - The dish may not exceed one (1) meter in diameter and the ACC encourages homeowners to stay within the eighteen (18) inch size listed in the CC&Rs.
- 3) **Screening** - To the extent possible, devices should be screened so that they are not visible either from the street or to other homeowners.

Attic Ventilators

Attic ventilators, turbines, plumbing or heating vents are prohibited on the front side of any roof of any structure. Any such vent should be painted the same color as the roof of the structure and mounted on the rear side of the roof ridge line to minimize visibility. Any addition of such a vent, visible from the street, must be approved by the ACC prior to installation. *CC&Rs - Article X, Section 16j*

Basketball Backboards

See **Recreational Equipment** on page 13.

Borders between Turf, Nonporous Surfaces and Planter Beds (flower beds, shrubbery beds, mulched areas)

The addition of any fixed border around areas - front, sides and rear - typically referred to as "flower beds" must be approved by the ACC. Borders along the turf edge must be rigidly installed to withstand weekly exposure to lawn mowing/edging. These strictly functional, plain borders are limited to discreet products with a maximum of height of two (2) inches above the earth (the bare dirt under the ground covering material). Modification requests must take into consideration colors of the exterior of the home. Edging of wood or plastic will not be approved.

Carpeting

Indoor/outdoor carpeting and synthetic grass on any exterior surfaces (for example, front stoops, front porches, etc.) are prohibited and will not be approved by the ACC.

Clothes Lines

Clothes lines or similar apparatus for the exterior drying of clothes are prohibited. *CC&Rs - Article X, Section 12*

Compost Bins

Due to the close spacing of homes, compost bins are prohibited and will not be approved by the ACC.

Decks, Patios and Porches

All decks, patios and porch modifications or additions must be approved by the ACC prior to construction.

Homeowners are advised to consider the following: *CC&Rs - Article X, Section 15*

- 1) Decks are an extension of the house which can impact its exterior appearance and may affect the privacy of adjoining homes. Drawings submitted with the modification request do not need to be professionally created (though professional drawings are preferred), but they must be to scale and show dimensions.
- 2) Any adverse drainage requirements which might result from the construction of a deck or patio should be considered and remedied as part of the modification request. The ACC will not approve the structure if it determines the adjoining properties are adversely affected by changes in drainage. The use of a partially porous surface or the installation of mulch beds adjacent to a deck, patio, or porch are ways to offset drainage concerns. The following factors will be considered in the review of modification requests:

- a) **Location** - Decks and patios should generally be located in the rear area of the property. Side yard locations will generally not be approved, but may be evaluated on their individual merit. The privacy of adjacent homes will be considered in evaluating the location.
- b) **Scale and Style** - Decks and patios, particularly elevated decks, should be of a scale which is compatible with the home to which attached, adjacent homes and the environmental surroundings.
- c) **Materials** should be wood or other composite deck material. Modification requests should detail the specific type of material to be used. Generally, wood decks should be constructed of high quality pressure-treated wood, (#2 southern grade yellow pine or better), or cedar which remains stable in exterior applications.
- d) **Color** - Decks may be treated with a transparent preservative or stained/painted with a color approved by the ACC. Homeowners must submit three paint chips of each color to the ACC as part of the supporting materials. Treating decks with a preservative may increase the lifespan and reduce maintenance.
- e) **Under Deck Area** - Elevated decks have an under deck area which can have a negative visual impact on adjoining neighbors. Homeowner plans should include this area and detail elevation changes, plants and landscaping materials. Proper drainage should also be considered as part of the plan. *CC&Rs - Article VIII, Section 2*
- f) **Landscaping** around decks and patios is strongly encouraged to soften corners and views from adjacent Lots.

Dog Houses and Dog Runs

Dog houses and dog runs are prohibited.

Emergency Power Generators

Installation or relocation of emergency power generators require ACC approval and homeowners should consider potential adverse visual or noise impact to adjoining properties in the plan.

Exterior Decorative Objects

At the front of the home, each Lot may display a single garden flag of two (2) square feet or less, of holiday or seasonal content, providing it is within three (3) feet of the front porch, within a planter bed (not in turf), and is in good condition. Faded, damaged and out-of-season flags should be removed immediately.

A single, diagonal or horizontal flag mount with a removable staff, may be attached to the front of each home without prior ACC approval providing the staff is seven (7) feet or less in length. Patriotic flags of sixteen (16) square feet or less, may be flown from these placements daily. Additionally, "Game-Day" flags of sixteen (16) square feet or less, may be flown on the day of the associated event. See also **Signs** on page 13.

Items such as bird baths, frog ponds, free-standing flagpoles, lawn sculptures, statues, artificial plants, bird houses, rock gardens, or similar types of accessories and lawn furnishings are prohibited in the front yards and street facing side yards of any lot without prior approval of the ACC. *CC&Rs - Article X, Section 16o*

Exterior Lighting

Exterior Lighting which is part of the original structure may not be altered without prior approval of the ACC. Proposed replacement or addition of fixtures must be compatible in style and scale with the requestor's home. Lighting should be limited to down-lighting or concealed up lighting. Color lenses or lamps are prohibited. Gas lantern type lighting shall always be lit. No exterior lighting should be directed outside of the Lot where it is installed. Additional lighting is prohibited if it will result in an adverse visual impact to adjoining neighbors. *CC&Rs - Article X, Section 16p*

Decorative lighting (such as landscape and walkway lighting) on the front and street facing sides of any Lot require ACC approval prior to install. Proposed lighting should be of metal construction and dark in color (dark brown or

black). All wires for the lights must be completely hidden. Fixtures must be installed perpendicular to the ground and at least to the minimum depth indicated by the manufacturer. All fixtures must be properly maintained. Homeowners may remove decorative lights without ACC approval.

Exterior Painting

With the exception of repainting the same color and finish, ACC approval is required in order to repaint or re-stain siding, doors, shutters, trim, and other appurtenant structures. Finish colors must be applied consistently to all sides of the building. Color selections must be harmonious and compatible with colors of the natural surrounding and other adjacent properties. *CC&Rs - Article X, Section 19b*

The following guidelines should be considered when submitting a request to repaint:

- 1) Trim colors should be a light shade (white is encouraged in the back loop where it was a building standard of the original builder).
- 2) Gutters and downspouts should be repainted the same color as the trim.
- 3) Trim colors and siding colors should contrast with each other.

Homeowners requesting to repaint must submit three paint chips (card samples) to the drop box at the clubhouse and include the manufacturer and paint code of each color on being proposed on the modification request (due to calibration issues, digital representations may appear differently on phones, tablets and computer monitors, providing paint card samples helps ensure accurate color representation).

Fences

Fences will be aluminum construction, black in color and five (5) feet or less in height. Modification Requests for fencing should include a detailed description of the material, diagram of the fence within the property lines (include measurements), location of gates and where fencing will terminate at the house. *CC&Rs - Article X, Section 09 and 16c*

Generally, fences should not extend forward of the rear corners of the home except where required by government code (in these cases the fencing is typically considered a railing and maximum heights are restricted). A "floating" fence (one not immediately adjacent to a home) will not be approved (an exception would be if the fence terminates at the fence of an adjoining lot or when the fence terminates at a wall).

Flagpoles (Free-Standing)

See **Exterior Decorative Objects** on page 9.

Garage Doors

Garage doors must be of raised panel design, similar in style to the original door. Garages may not be converted to living spaces. Garage doors should be left in a fully closed position when not in use (unoccupied) to help increase community security (a police recommendation). Using a garage as an obvious pet confinement area (including leaving garage doors partially open with or without screening) is prohibited. *CC&Rs - Article X, Section 16g*

Gutters and Downspouts

All gutters and downspouts, including replacements, must conform in design to those originally installed. Replacement or addition of new gutters or downspouts, or a change in color or location of an original gutter or downspout, requires ACC approval. Gutters and downspouts must be located in such a manner as to not adversely affect drainage onto neighboring properties. Black tubing used for additional drainage purposes must be buried underground and directed away from adjacent properties. Splash blocks should blend as much as possible with the landscape. *CC&Rs - Article X, Section 19c*

Grills

Permanent grills or barbeque areas require ACC approval and will be considered on a case-by-case basis. Construction design, scale and materials must complement the existing house and lot. Temporary grills should be stored when not in use.

Holiday Decorations and Lights

Holiday decorations fall under **Exterior Decorative Objects** on page 9. Holiday lighting displays (for instance, those related to the Christmas holiday) do not require ACC approval provided the display conforms to the following:

- 1) Display must be less than 500 linear feet of lighting with a maximum of 5,000 lights.
- 2) Displays must be contained within the property lines on the lot (extending onto common areas is prohibited).
- 3) Audio elements (sound effects, music, narration, etc) as part of the display are prohibited.
- 4) Inflatable elements, statues and other similar structures are prohibited.
- 5) Lighting should turn on no earlier than dusk and should be off by 10:00pm EDT each evening.
- 6) Lighting may be installed as early as one month prior to the holiday and should be taken down and out of view by two weeks after (may not remain a permanent installation).

Items outside of these limitations require ACC approval prior to install.

For permanent **Exterior Lighting** modifications see page 9.

Landscaping

No construction or alteration of any structure (see CC&Rs Article I, Section 15 for definition) shall take place without the prior written approval of the ACC. *CC&Rs - Article X, Section 05*

Artificial “vegetation” is prohibited on the exterior of any property.

Prior ACC approval is not required for the following modifications:

- 1) Planting or replacing of annual plants, those which only last about 6 months.
- 2) Replacing a single specimen (as in the case of a dead or dying plant) with similar item (same mature size).
- 3) Installation of new beds, three (3) feet wide or less, around the perimeter of the house foundation (and deck, patio, or walkway) and perimeter of the rear of the lot, provided plants installed have a mature height of less than eight feet.
- 4) Installation of new plants with a mature height of three (3) feet or less in existing beds.
- 5) **Minimal landscaping modifications**, similar to above, of a small scale which do not materially alter the appearance of the lot, do not involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure.

Any other landscaping modifications, including but not limited to the following, require approval by the ACC:

- 1) Removal of grass and replacement with mulch, gravel or some other type of ground cover, except in the case of the specific situations listed previously.
- 2) Stone or masonry landscape walls (see **Walls** on page 15).
- 3) Walkways (see **Walkways** on page 15).

- 4) Any modifications that require construction (including retaining walls, trellises, gazebos, pergolas, etc.) or result in a grade change.
- 5) Planting of any shrubs or trees which are intended to form a hedge or natural screen with a mature height of three (3) feet or more. Landscape screens or barriers may be approvable in order to define private space or block undesirable views. However, the ACC will consider any adverse impacts on adjoining Lots, including the disruption of sight lines for adjoining properties. Landscape screens or barriers are not permitted on front yard Lot lines.
- 6) Any proposed modification which is of such a scale or type as to be potentially inconsistent with the scale and design features of the home, adjacent homes and the surrounding area.
- 7) Installation of any alternative mulch (including rubber mulch) or gravel planter bed material.
- 8) Installation of trees (see **Tree Installations** on page 14).
- 9) Removal of trees (see **Tree Removal** on page 15).

Long term residents of The Preserve may be able to provide information on plants that seem to perform better in the local climate and soil composition. This assistance is neighbor to neighbor and will in no way constitute an immediate nor future approval of any portion of the modification. Neither the neighbor nor any portion of the HOA may be held liable for any situation which may arise from this neighborly assistance.

Mailboxes

The two mailbox styles in The Preserve were selected to create a unifying appearance in the community. Mailboxes are required to be maintained as installed by the builder without modification. *CC&Rs - Article X, Section 16d*

Mulch

Pine straw is the preferred mulch for planter beds in The Preserve. Homeowners wishing to replace pine straw with other materials must get ACC approval. Currently, the landscaping contractor will distribute pine straw over areas of existing pine straw once each year to "refresh" the beds. ACC approval is not required for refreshing pine straw.

Homeowners deviating from pine straw in planter beds do so at their own expense and maintenance (the landscaping contractor only refreshes beds containing pine straw) and must have prior ACC approval. HOA fees will not be adjusted to accommodate homeowners opting for a pine straw alternative.

Mulch of shredded, natural wood, with a dye added to produce a uniform color, which may contain additives such as weed inhibitors and insect repellents, is permitted but requires prior approval from the ACC. These products vary from batch to batch (bag to bag) and tend to fade over time. When installed, the product should be a dark brown (cocoa powder or darker) color and must be refreshed when becoming medium brown or lighter. Wood mulches of any other color (for example black, cedar or red), will not be approved. Wood mulches created from salvaged building material such as oriented strand board or pallets are prohibited as they may contain contaminants that are harmful to the environment.

The CC&Rs note "adequate mulch" must be applied. The ACC defines adequate mulch as thick enough to completely conceal the dirt (or landscaping cloth) and is at least 2 inches in depth; however, spreading mulch deeper than this will help prevent weeds.

Mulch containing items such as grass clippings, tree bark, moss, leaves, newspaper, manure, compost, or inorganic material will not be considered.

Changing planting beds to any other material, including but not limited, to stone (see **Stones, River Rock and Gravel** on page 14) of any kind requires prior ACC approval.

Painting

See **Exterior Painting** on page 10.

Parking

Any driveway or addition of parking must have prior approval from the ACC. Vehicles must be parked on pavement or concrete (parking areas or driveways of mulch or rock are prohibited). Residents should park in the home's provided driveway and must not block the sidewalk in any way. Parking on the street should be infrequent and vehicles should not remain on the street overnight with the exception of short-term house guests (up to 2 weeks). Parking on the street must not obstruct traffic, nor block signage, nor restrict access to handicap ramps or any other neighbor's driveway. Guests may utilize the parking lot of the club house for "in home" parties as some areas of the neighborhood have limited space to park on the street (contact a member of the Clubhouse Committee to ensure there is no other function using the clubhouse or parking area). Georgia law prohibits parking on the street within thirty (30) feet of a stop sign.

Pine Straw

See **Mulch** on page 12.

Playground Equipment

See **Recreational Equipment** below.

Recreational Equipment

No recreational equipment, including, but not limited to, basketball goals, playground sets, batting cages, and swimming pools, shall be placed or installed on any lot. *CC&Rs - Article X, Section 14*

Recreational Vehicles

No trailer, trailer house, boat, or recreational vehicle, including but not limited to all classes of motor homes, motor coaches, camper vans, and truck campers shall be parked on any Lot. *CC&Rs - Article X, 13 and Gwinnett County Ordinance*

Roofing/Shingles

Roofing materials must be a 25-year (or longer) architectural, dimensional shingle matching the original color (Weathered Wood) of the shingles being replaced. *CC&Rs - Article X, 19e*

Screened Porches

Screened porches must have a dark color screen (bright color, silver finish screens are prohibited) with the structure painted to match the trim color of the home. Enclosing, screening or rescreening a porch requires prior ACC approval. *CC&Rs - Article X, 16i*

Satellite Dishes

See **Antennas and Satellite Dishes** on page 8.

Shutters

Any addition, removal or alteration of exterior shutters require ACC approval. (see **Exterior Painting** on page 10 for additional information).

Signs

No signs (commercial or otherwise) visible from the exterior, may be installed, altered or maintained on any Lot or any portion of any structure without prior approval of the ACC, with the exception of:

- 1) signs or postings required by legal proceedings.
- 2) a single sign indicating the builder of the residence (for example, lot number with builder name)
 - i) to be removed immediately upon sale.
- 3) a single "For Sale" or "For Rent" sign of up to six (6) square feet in area.

- i) to be removed immediately upon sale or rental.
- 4) a single sign designating a security provider, not to exceed seventy-two (72) square inches (these are a visible crime deterrent).
- 5) directional signs for vehicular and/or pedestrian safety posted by a government agency.
CC&Rs - Article X, 07

All proposed signs/postings should be professionally lettered.

Any other signs (for example political or graduation) must receive prior ACC approval before displaying.

Skylights, Solar Tubes and Sun Tunnels

Installation of skylights, solar tubes and sun tunnels require prior ACC approval and should be located in such a manner that they are not visible from the front of the dwelling or a street. These devices are not permitted on the front side of the roof ridgeline. Flush (or near flush) mounting these light gathering devices is preferred.

Solar Panels

No solar energy devices shall be allowed. *CC&Rs - Article X, 19d*

Storage Sheds

Sheds are not considered to be in conformity and harmony of external design and general quality with the existing standards of the neighborhood and are prohibited. Constructing additional storage space as an addition to an existing home will be considered by the ACC but the addition must:

- 1) Be within the build lines of the property as indicated on the plat map.
- 2) Must have a brick exterior matching the materials used on the original home.
- 3) Must conform to the 8/12 roof pitch.
- 4) Must have shingles as indicated in **Roofing/Shingles** on page 13.

Stones, River Rock and Gravel

Homeowners wishing to replace mulch (see **Mulch** on page 12) or turf with stones, rock or gravel must get ACC approval. While it has been done in the past, as of the effective date of this document, the ACC will no longer approve stones, river rock or gravel as ground cover in street facing sides of the house on any lot.

Rounded stones ranging from one (1) inch to three (3) inches may have limited application in areas along property lines (between homes) where grass and other approved vegetation fail to thrive and moisture is an issue. Large rounded stones up the six (6) inches, where water is channeled from an upper lot to an appropriate run-off area, may be considered. In all cases, coverage will need to be sufficient to cover the earth and prevent weed growth. All require ACC approval prior to install.

Swimming Pools

See **Recreational Equipment** on page 13.

Tree Installations

The addition of any tree on any lot must be approved by the ACC prior to installation. Fruit bearing trees are prohibited.

Homeowners should consider the following prior to submitting a modification request to add a tree:

- 1) Trees with adverse effects on turf and other plants should be avoided (for example, the black walnut tree produces chemicals that suppress the growth of other plants).

- 2) Trees with less invasive root systems are gentler to curbs, sidewalks, streets, driveways, and plumbing.
- 3) Trees prone to large surface roots should be avoided.
- 4) Location of the tree must not immediately or in the future create a nuisance, or screen the view of an adjoining lot.

Tree Removal

Trees having a diameter of 6 inches or more and a height of more than 8 feet must have prior approval of the ACC to be removed. Removal of the following will be approved by the ACC regardless of size:

- 1) diseased or dead trees
- 2) trees needing to be removed for safety reasons

Each lot must have at least one (1) tree in the street facing area of the dwelling (front or side). Removing this tree requires immediate replacement; the type of tree is subject to ACC approval and must be a minimum ten (10) feet in height.

Some areas of the neighborhood have a wider area between the street and sidewalk (also known as a road verge) with trees present. Years ago, the ACC approved the European Hornbeam as a replacement for trees removed from this area (the European Hornbeam roots should not buckle sidewalks or curbs).

Gwinnett county may require additional conditions be met, and potentially permits issued, prior to removing a tree. *Document DPR-98 Specimen Tree Removal Information for Homeowners* may provide additional information (email ThePreserveACC@gmail.com for a copy or search the internet).

Gwinnett County Code of Ordinances, Appendix A, Section 620-60 thru 75 provides additional details for tree requirements for single family homes in the county. Failure to abide by county ordinances may result in fines and jail time.

Whole-House Emergency Power Generators

See **Emergency Power Generators** on page 9.

Walkways

The addition of any walkway of any type must have prior approval of the ACC. Generally, flush mounted stepping stones have been the accepted form of walkways installed around homes.

Walls

No wall of any kind shall be erected, maintained, or altered on any lot without the prior written approval of the ACC. No wall over five (5) feet in height shall be permitted except for special conditions approved by the ACC. *CC&Rs - Article X, Section 09*

The Architectural Control Committee will consider special and specific circumstances (lot location, lot exposure, accessibility, etc) when clearly defined as part of the request. It is the requestor's responsibility to bring this to the attention of the ACC as part of the Modification Request.

It is the responsibility of all residents of The Preserve to abide by the CC&Rs. If any homeowner has concerns, questions or complaints about Covenants, Design Guidelines, Committees, Board of Directors or neighbors, please notify American Dream Keepers or the HOA Board and/or the ACC.

All real and personal property owned by The Preserve at Hamilton Mill HOA, Inc. (common areas) are for the common use and enjoyment of all homeowners and not for personal use.