

**ACC GUIDELINES
FOR
MAGNOLIA CREEK OF FORSYTH SUBDIVISION
CUMMING, GEORGIA 30028**

Magnolia Creek Homeowners Association

Architectural Control Committee Meeting
March 5, 2013

ACC suggestions to the Board of Directors

Dear Resident:

The Architectural Control Committee (ACC) of Magnolia Creek is pleased to present you with Guidelines designed to assist you in applying for exterior alterations and improvements to your property. The overall goal of these Guidelines is to keep Magnolia Creek Subdivision an upscale, attractive and desirable residential community. It is hoped that their use will provide practical means of accomplishing this goal. This guidebook should become a part of the important documents that might be passed on to any future owners of your property, as you would other important papers, such as the Covenants. The objectives of the ACC are to protect and preserve the quality of the community environment while offering the greatest possible freedom in use of one's property under the advisors to the Board of Directors on architectural matters. Questions may be directed to any member of the ACC. We ask for your cooperation and welcome your suggestions.

Thank you.

Architectural Control Committee

The ACC Committee consists of the following:

John Joyce
Don Kennedy
Steve Davis
Gary Feinzig
Janie Hartman

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Architectural Control Committee Guidelines

INTRODUCTION

I. Architectural Control and the Covenants

The covenants are one of the many documents you should have received at the time of settlement on your property. It is important that you take the time to read and understand that document. More importantly, the covenants are a binding legal obligation between the homeowners' association and all of its residents. Our covenants assure the residents of appropriate standards for land use, architectural design and property management throughout the community. The covenants, along with the articles of incorporation and by-laws provide for your membership in the Magnolia Creek Homeowners Association, and establish the mechanism for the operation of this Association. The covenants "run with the land" as part of your deed of ownership. The covenants are a contract between the Association, as represented by its elected Board of Directors and the residents, and between each resident and every other resident. Thus, when dealing with the covenants and the architectural review process, you will be dealing with your neighbors and friends. Because of the legal, contractual nature of the covenants, it is important that the Architectural Control Committee (ACC) approve all exterior alterations or improvements to residential properties. If an alteration or improvement is started without approval, it incurs the risk of legal action. Such legal action may cloud the title on the resident's property. A future sale may then be impossible because of a seller's inability to obtain clear title, until architectural approval is obtained and all liens are satisfied. It is in the intention of the ACC to assist you in every way to obtain the fullest enjoyment of your private property and the community's common property, while being consistent with your obligation to your neighbors and, ultimately, all of the residents in Magnolia Creek.

II. Why Have Architectural Guidelines?

The covenants, in many areas, are very broad in scope and give few, if any, specifics upon which to approve or disapprove applications. This leaves the total burden of decisions in these matters on the ACC. Approval/disapproval is then based on the personal opinions of the ACC serving at that time. As ACC members change, so might attitudes and opinions providing for a tremendous inconsistency in what is and is not approved from year to year. Guidelines provide both the community at large, as well as the ACC, with specifics as to what is considered reasonable and acceptable, while still allowing the ACC enough flexibility to apply the specifics to the variety of applications, which will be filed with the ACC. Although this guideline document is not a legal binding document, it will be used as a standard by the ACC in approving or disapproving applications for alteration or improvements. Hopefully, these guidelines will provide continuity in these areas from year to year. The architectural covenants are designed to prevent obvious excesses and abuses, while affording flexibility and allowing personal tastes in utilizing one's property. The ACC exists to allow the individual property owner to enjoy his property rights, express his personal interests, and at the same time, positively relate to the immediate and larger community environment.

III. The Architectural Review and Approval Process

The by-laws provide for the appointment of an Architectural Control Committee (ACC) and give this committee full power to approve or disapprove changes/modifications or alterations to the exterior of your home. The ACC members, who are appointed by the Board of Directors, make all final decisions. The ACC consists of a Chairman and at least two additional members. When considering making an exterior alteration or improvement to your property, you should first consult the Covenants and Guidelines. They will tell you whether an application is required and will assist you in finalizing your plans based on the required specifications and information. An application form is provided upon request. Please make three (3) copies. Additional application forms are also available from any of the members of the ACC. Be sure that your application is complete and clear, and that it has been signed. Submit your application early. The covenants allow forty-five (45) days for resolution of an application. In most cases, the review process will be completed in less time. Approval of an exterior alteration and/or improvement by the Committee does not relieve the homeowner of obtaining any and all required Forsyth County permits. Your application, when received, will be reviewed by each member of the ACC. The Board of Directors is kept informed on a regular basis of all applications received and the status of the review. In some instances, after review of your application by the ACC, one or more of the ACC members may contact you directly to ask questions about the information on your application or, if necessary, will view the sites to see exactly where the alteration/improvement will be on your property. In cases where the ACC denies approval, the homeowner will be contacted and may be asked to modify his plans or to resubmit. In each of these instances, the ACC will be glad to work with the homeowner to suggest ways to make his plans acceptable to the ACC. In the event of a denial, the homeowner may appeal the decision to the ACC by sending a written request for a review or reconsideration using the Notice of Appeal form provided on the website. The ACC will then review and discuss the homeowners' appeal and a vote will be taken. The ACC's decision will be considered final. All approved exterior alterations or improvements must be completed within one hundred twenty (120) days from start date (this include the removal of all construction material and debris). Any member of the ACC or Board of Directors may inspect completed alterations or improvements by appointment only.

IV. Covenant Enforcement

Any resident of Magnolia Creek may report alleged violations of the Covenants, in writing, to the Board of Directors. When complaints are brought to the attention of the Board of Directors, the Board will investigate and act in a prompt manner. If the subject of a complaint is found to be a violation, the Board will contact the property owner and the property owner will be asked to correct the problem, either by removal of the violation or submission of an application, or by repair in the case of a maintenance problem. If initial contact does not result in action, the property owner will receive formal notification requesting action. If the problem is not corrected within the stipulated time of thirty (30) days as provided in Section 9.06 of the Covenants and Section 3.2.1 of the By-Laws, legal action will be initiated as set forth in the Covenants.

V. Questions Concerning Neighbors Changes/Modifications

Any and all questions or concerns regarding a neighbors change or modification should be addressed directly to either a member of the Board or ACC Committee.

VI. Final Note

The Guidelines will tell you what is most likely to be approved in typical circumstances. Special circumstances regarding your property may allow the approval of an application that might be denied otherwise, or the denial of one that might be approved elsewhere. The fact that a plan similar to your own has been approved for use at another location does not mean that yours will automatically be approved. Failure to address topics other than those listed on the following pages does not imply that it is either allowed or disallowed, and an application must be submitted.

GENERAL STATEMENT

The original architectural character or theme of any residential dwelling should remain compatible within itself and to others around it. Once the character is established, whether it is traditional, contemporary, etc., no portion should be changed or added to which would conflict with or change that character.

1. Any modification, additional or structure as defined in the Covenants, not specifically covered by this guideline, requires approval by the Architectural Control Committee (ACC). Written approval is required for all exterior alterations to the dwelling or property, except where specifically excluded by these guidelines. Building alterations include, but are not limited to, porches, additions, decks, fences, driveways and other additions or modifications to the home and/or property. The proposed structure must be compatible with the original structure and in keeping with the existing lot size.

2. Maintenance items require approval only if the original colors, shades or materials are changed. Colors for repainting a house, trim, gutters and downspouts should be selected so that they blend with the surrounding houses and are compatible with the style of the house. This would include repainting of decks and porches also.

3. Careful selection should be made of any exterior replacement materials. These materials should match the house's current materials as close as possible. Materials include, but are not limited to, brick, stone, siding and roofing.

4. Information required on applications for proposed structures may include a certified plot plan showing the location, distances from neighboring dwellings, property lines, building restriction lines and other identifiable landmarks. This does not include paint jobs, roof jobs or matters of that nature. Additional information may be required.

5. The homeowner is responsible for obtaining all necessary Forsyth County building permits. Our Guidelines are in addition to the County's requirements. If Forsyth County authorities require any changes to the plans as approved by the ACC, the resident is responsible for notifying the Committee of the changes prior to the construction for approval of the changes. The homeowner is responsible for providing a copy of all permits upon request by the ACC.

6. It is recommended that before digging, the homeowner call the appropriate utility companies to determine existing locations of underground utilities. That number is 800-282-7411.

DEFINITIONS

Side Yard

A side yard is the area between the side property line of the lot and the house, extending from the front corners to the rear corners of the house.

Rear Yard

Any area of the homeowner's property that is located behind a line drawn from the rear corners of the house out to the side property lines then back to the rear property line. The side yard is not included.

Behind the House

The area in the rear yard that lies between two parallel lines drawn along the side framework of the house that extends to the rear property line. The side yard is not included.

Front Yard

Any area of the homeowner's property that is located in front of a line drawn from the front corners of the house out to the side property lines and forward to the front property line. The side yard is not included.

Certified Plot Plan

A certified plot plan is a survey that marks all property lines.

GUIDELINE #1 – DECKS, PATIOS AND PORCHES

- A. An application is required for all decks, patios and porches.
- B. Approval of these additions/modifications will be based on the standards set forth herein, as well as, on individual merits that include, but are not limited to the location, color, size and conformity with the design of the existing house and relationship to neighborhood dwellings.
- C. A deck and/or patio must be located behind the rear line of the house. Pressure treated wood, cedar or redwood or wood composite is encouraged.
- D. A porch is considered an open-sided, screened or partially enclosed structure with a roof. Front and back porches are permitted, but care should be taken when incorporating the design of a roofed structure to the existing dwelling's roofline. Again, the design should be in keeping with the style of the home. A front porch should be built of lumber or wood composite with the roof matching that of the existing dwelling.
- E. Applications will be based upon the following information:
 - 1. Detailed drawings showing size, style and conformity to the existing lines of the house.
 - 2. A site plan showing the relationship of the deck, patio or porch to the house, property lines, building restriction lines and the adjacent dwellings.
 - 3. Additional information as may be required.

GUIDELINE #2: DRIVEWAYS AND WALKWAYS

- A. An application is required for all new driveways and walkways.
- B. Construction of driveways with concrete or pavers only.
- C. Application is not required for the replacement of an existing driveway or walkway, unless changing materials, size, shape or grade.
- D. Applications for driveways and/or walkways must include a site plan showing the dimensions of the driveway or walkway, its relationship to the property lines, the house and any existing large tree, which may be impacted by such.
- E. Any homeowner making improvements or changes to their driveways and walkways must obtain proper building permits, if required from Forsyth County. A copy should be submitted to the ACC.

GUIDELINE #3: STORM WINDOWS, SCREEN WINDOWS AND STORM DOORS

- A. Applications must be submitted to the ACC when storm doors are added to the existing structure. The color of the door should blend with the existing house color scheme.

B. All storm/screen doors will require ACC approval; photo of storm screen door may be required.

C. Storm Windows will require ACC approval.

Consideration will depend upon the design of the particular door and its relation to the design of the house. Applications for security doors must include a picture.

GUIDELINE #4: AWNINGS

A. ACC approval is required for awnings.

Awnings will not be approved on the front or side of any dwelling. Canvas awnings or retractable awnings on the rear of a dwelling may be approved if in keeping with the color and trim of your home. Rigid metal or steel awnings are not allowed.

GUIDELINE #5: SATELLITE DISH

Direct Broadcast Satellite (DBS) dishes that are less than one meter (39" in diameter) may be installed when they meet the following order of preference criteria:

A. Satellite Dish Antennas will be mounted on the rear of the house, except when such locations prevent adequate signal reception.

B. Satellite Dish Antennas should be positioned so they cannot be seen from the front of the home except when such locations prevent adequate signal reception.

C. Satellite Dish Antennas will be positioned no higher than the antenna top flush with the top of the roof on the rear side of the house, except when such locations prevent adequate signal reception.

D. No Satellite Dish Antennas will be installed on common areas.

GUIDELINE #6: WOODPILES

An application is not required if the woodpile is located behind the rear line of the house and within the side lines of the house in order to preserve the open space. Please be considerate of your neighbor's views in the placement of the woodpile.

GUIDELINE #7: ATTIC VENTILATORS

A. An application is not required provided that the following conditions are met:

1. No part of the ventilator protrudes more than one (1) foot above the roof surface.
2. Ventilator must be roof-mounted and located on the least visible side of the roof and should not extend above the roof ridge.
3. All other installations require an application showing the location, style, elevation, etc., of the ventilator installation.

GUIDELINE #8: EXTERIOR DECORATIVE OBJECTS

A. An application is required for all permanent exterior decorative objects such as sculptures, fountains, ponds, and flagpoles. Exterior decorative items of a non-permanent nature will also be subject to review by the ACC. Exterior decorative objects such as these items: bird baths, wagon wheels, figurines, flower boxes, free-standing poles of all types, etc., should be kept to a minimum and the ACC reserves the right to require removal of excessive items.

B. Decorative objects will be evaluated on such criteria as sitting, proportion, color and appropriateness to surrounding environment.

C. Permanent exterior lighting poles and fixtures require an application except where the pole or fixture is being replaced. Replacements will be of a like style. All exterior lighting must be installed and directed so as not to shine in an annoying manner on adjacent properties.

GUIDELINE #9: MAILBOXES

Mailboxes shall remain the same style. If the homeowner's mailbox needs to be replaced for any reason, it should be replaced with Model BB, Color Black. This mailbox is all cast aluminum construction, rust proof, powder coated with a one piece post. This particular mailbox can be purchased at Better Box Mailboxes, LLC, 904 Fairview Road, Simpsonville, SC 29680; and can be reached by telephone at 864-862-5083 or by cell phone at 864-386-9845. Their website address is www.BetterBoxMailboxes.com.

Painting of mailboxes will be allowed. If you choose to paint your mailbox you will be required to paint them black. Painting will be required as frequently as necessary to maintain your mailbox in an acceptable condition.

GUIDELINE #10: LANDSCAPING, PLANTING AND ROCK GARDENS

Please know you must maintain your property. This means: cutting grass, trimming hedges, keeping all landscaping in top shape. Grass clipping and compost piles should be concealed from the street and side yards. All yard visible from street must be maintained and landscaped with items such as grass, pine straw, ground cover, ground plants, etc. Un-maintained areas are not permitted.

A. An application is not required for customary planting of individual trees, bushes (unless used as a privacy hedge), foundation plants, annual or perennial beds or ground covers.

- B. An application is not required for small rock gardens. Rocks used in this type of application must be left in their natural color.
- C. It is recommended that plantings be arranged in clusters or groups rather than in straight lines.
- D. Lawn clipping shall not be blown or discarded into the streets or storm drains. Note; this practice is also against county ordinances.

An application is required for all other landscaping, including, but not limited to:

- 1. Any planting used as a fence, hedge, windbreak, or for screening purposes, whether on the property line or elsewhere.
- 2. Removal of any tree over 4 inches in diameter at two feet above the ground. Any dead tree slated for removal, if over 4 inches in diameter, must be approved by the ACC. Replacement is strongly encouraged.
- 3. Landscaping that involves a change of grading or slope, or installation of a retaining wall or other structure.
- 4. Hedging which meets or exceeds the front line of any house. Further more, no hedging will be permitted on any front property line.

GUIDELINE # 11: TOOL/STORAGE OR OTHER OUTBUILDINGS

- A. An application is required for all types and sizes of general tool/storage sheds and other outbuildings. Open, carport-type structures will not be approved. A copy of the County building permits will be required upon request.
- B. The structures must be located behind the rear line of the house and must be 20’ from the side property line. However, if a more desirable location is required because of an unusual lot, the ACC Committee will give it consideration.
- C. The materials, style and color used should be the same as the existing house. Roofing shingles (style and color) on any outbuildings must match the shingle style and color of the roof on the existing house. Metal sheds and outbuildings are not allowed. All outbuildings must be maintained and not allowed to discolor or deteriorate. If necessary, the committee can require removal of a deteriorating structure. Where windows are installed, shutters must be added to match the shutters of your home. .
- D. Consideration of the individual lot and size, slope of the property, selected location, the site lines of the adjacent homes and the intended use, will all effect the decision of the committee. Size of the outbuilding must also be reasonably proportioned to the reasonable space and size of the existing house and in any event outside dimensions may not exceed 250 square feet. Also, the height/pitch of the roof on any outbuilding must be proportionate to the overall size of the structure and should conform to the style roof on the existing home, but in no instance may it exceed one story.
- E. Landscaping may be required for screening purposes.
- F. Any and all outbuilding structure must not be inhabited at any time.

The committee's decision will be based upon the following:

1. A certified site plan, which shows the relationship of the structure to adjacent houses, property lines and other identifiable landmarks.
2. The detailed drawings or plans showing the proposed structure and all of its dimensions.
3. A list of the materials to be used, including colors and the purpose for which the structure is being built.
4. Additional information may be required.
5. As a consideration of your neighbors, please notify them of your intentions prior to submitting your request.

GUIDELINE # 12: FENCES

The design guidelines of the Magnolia Creek community allow several choices related to fences. Privacy fences are not to exceed 6 feet in height. Four board rail fences and wrought iron fences are not to exceed 4 feet in height. Rubber coated wire may be installed as an additional barrier on board rail fences. Fencing shall be done in the least obtrusive way and in a style compatible with the surroundings. Whichever fence you choose, it must be maintained.

A. An application with a site plan is required for all fencing. If a homeowner wishes to connect to an existing fence or erect a common fence between properties, then a signed statement of notification from the homeowner's adjoining neighbor(s) must accompany the application and meet prior existing neighboring conditions (e.g., connecting fences should be of the similar style and height).

B. Fencing should not exceed the rear line of any house. Only in special circumstances will the ACC allow variances. If there is a dispute, the ACC will have final decision. Furthermore, no fencing will be permitted on any front property line.

C. Approval of fences bordering on open space may be contingent upon heavy screening with plantings. Plantings that act as screening must be located on the exterior side of the fence. Under certain circumstances, approval of fences will be contingent upon adequate landscaping or screening with plantings.

D. Gates should match the fence in material, style, color and height.

E. Applications should include the following information:

1. Fence style and color (natural wood is the preference).
2. Dimensions (height, length); No fence will be over 6 feet tall.
3. Site plan, which shows the relationship of the fence to adjacent houses, open spaces, property lines and locations of proposed plantings.
4. Architectural style and color of the house.
5. Types and colors of fences in the immediate area.
6. Homeowner is responsible for getting surrounding neighbors' prior written notification, which should be submitted with ACC application.

GUIDELINE #13: PRIVATE POOLS

- A. An application is required for all private pools. Above ground pools are not allowed. Pools must also meet the minimum requirements of the Forsyth County code and permits must be obtained by the homeowner.
- B. An application is not required for children’s plastic wading pools not more than eight feet in diameter.
- C. The primary factors that will be considered when evaluating an application for a pool is the size and location of the pool (must be 10 feet from the side property lines), adequate fencing around the pool area, and the grading required, landscaping to be done and the proximity to adjacent neighbors.
- D. All pools must be located behind the rear line of the existing house.
- E. Landscaping and grading, as well as details of existing or proposed deck area, patios, lighting, walkways and other changes or additions to the existing property must be indicated on the application.

GUIDELINE #14: CLOTHESLINES

Clotheslines are not allowed.

GUIDELINE #15: DOG HOUSES

Dog houses, kennels and runs are not allowed.

GUIDELINE #16: VEGETABLE GARDENS

An application is not necessary for vegetable gardens, provided the following conditions are met:

- A. Located between the rear line of the house and the rear property line. If not within these boundaries, homeowner is responsible for notifying surrounding neighbors’ prior to submitting application to the ACC Committee.
- B. Regular maintenance is required. At the ACC’s discretion, landscaping and/or screening may be required.

GUIDELINE #17: PLAY AND RECREATIONAL EQUIPMENT

Since there are currently no existing “tot lots” or designated play areas on any of the open spaces in this community, homeowners may erect playground-type equipment on their property.

A. All play equipment and recreational equipment must be located behind the rear line of the house. Keep your neighbors in mind when placing swing sets and other toys not to cause an eyesore for other neighbors to look at.

B. Equipment must be maintained. Natural wood play equipment is encouraged.

C. Generally, swing sets and play equipment are approved as long as they meet the above-mentioned criteria. Also, for safety purposes, swing sets should be safely secured to the ground.

D. Sandboxes do not need an application as long as they do not exceed 25 square feet in size and meet the above requirements. Sandboxes are only allowed in rear yards.

GUIDELINE #18: BASKETBALL BACKBOARDS

Portable and Permanent basketball backboards are allowed providing they are Basketball systems, “steel pole with fiberglass backboards”, etc. and kept in good repair. Permanent Systems will require ACC approval with location plans and pictures of proposed system; i.e. website. Portable type basketball backboards shall not be left overnight in the street.

GUIDELINE #19: PERMANENT GRILLS, FIREPLACES, BARBECUES AND FIRE PITS

An application, which includes proposed materials to be used and site plan are required. Permanent grills, fireplaces, barbecues and fire pits must be placed behind the rear line of the house. Use of “exposed” cinderblock is not considered appropriate material. Natural screening may be required.

GUIDELINE #20: HOLIDAY DECORATIONS AND LIGHTS

A. Holiday decorations and lights can be erected thirty (30) days prior to the specific holiday.

B. Holiday decorations and lights must be removed within fifteen (15) days after the holiday.

GUIDELINE #21: MODIFICATIONS AND/OR ADDITIONS TO EXISTING DWELLINGS

Modifications and/or additions to an existing dwelling include, but are not limited to enlargement of interior living space, sunrooms, etc.

A. An application is required for all such modifications and/or additions to your home.

B. The design of any addition must be consistent with the existing style, shape and size of the dwelling to be added to.

C. All exterior building materials shall be the same or of a compatible materials to that used in the exterior construction of the home. Siding, roofing and trim materials must be similar. Windows and doors must be compatible with those of the existing structure. Non-traditional or non-conforming building materials are not permitted.

D. Modifications or additions must not significantly impair the view of adjacent residences or the enjoyment and use of open space. Each application will be considered on individual merits of location, size of the lot and the existing dwelling.

E. The size of a modification or addition must be proportional to the overall size of the existing dwelling. Again, each modification will be considered on individual merits.

GUIDELINE #22: IN-HOME BUSINESSES AND ADVERTISING OF BUSINESSES

A. No sign or other advertising relating to an in-home business shall be allowed.

B. In-home business is permitted; however, must be invisible from the street.

GUIDELINE #23: WINDOW AIR CONDITIONERS

Window air conditioners are not allowed.

GUIDELINE # 24: UNREGISTERED/ UNUSED AUTOMOBILES

Automobiles unregistered or not being driven for an extended period of time will be stored inside the homeowners garage.

OTHER ALTERATIONS

It is impossible to write the guidelines necessary to cover all exterior changes. When a guideline is not available for the project you are proposing, a complete application is required. Emphasis should be placed on proper scale, materials, color and impact on neighboring properties. Applications should include sufficiently detailed information to permit understanding and evaluation of your proposal.