

# DESIGN GUIDELINES

## PURPOSE OF THE DESIGN GUIDELINE

These Design Guidelines for Morgan's Crossing provide an overall framework and a comprehensive set of standards to allow the community to develop and progress in an orderly and cohesive manner. They establish criteria for architectural design and style, site improvements and type of landscaping required.

The Design Guidelines also establish a process for review of proposed construction and modification of existing structures to ensure that all sites within Morgan's Crossing will be developed with the consistency and quality that continues to attract people to this community.

If any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in these Design Guidelines or the Declaration of Covenants, Conditions, and Restrictions (the Declaration), the local government standards shall prevail. If any government standard is less restrictive than these Design Guidelines or the Declaration, the Declaration and Design Guidelines (in that order) shall prevail.

The Design Guidelines may be changed and amended to serve the needs of an evolving community, as set forth in the Declaration and in these Guidelines.

In summary, the objective of these Design Guidelines is to create the architectural and site planning statement to make and keep Morgan's Crossing a desirable community for its residents. This basic guide to standards in design, construction and environmental management will make it easy for you, the homeowner to understand how your participation may influence the course of our community.

## **THE DESIGN REVIEW COMMITTEE**

One of the most effective methods of assuring protection of the community lifestyle and individual property values is through the establishment of high standards of design review. Property owners are legally bound by the Declaration and these Design Guidelines.

To that end, no construction activity (including staking, clearing and grading), no leveling, accessory building, fences, walls, or other structures of any kind shall be erected, placed, or altered on any lot within the community until the proposed building plans, elevations, specifications, exterior colors or finishes, site plans, and construction schedules shall have been approved in writing by the appropriate committee as described below.

Architectural Control Committee / Architectural Review Committee

The ACC / ARC Committee has exclusive jurisdiction over modifications, additions, and alterations made to structures and landscaping on lots. After the structures and landscaping have been completed on a lot according to the approved plans, the ACC / ARC shall review all proposed changes to the exterior of the structure and the lot. The ACC / ARC will also have the authority to change standards and procedures, consistent with those of these Design Guidelines.

## **LIMITATIONS OF RESPONSIBILITIES**

The primary goal of the Committee is to review the application, plans, specifications, materials, and samples submitted and to determine if the proposed alteration conforms in appearance and construction criteria with the standards and policy as set forth by the Committee. The Committee does not assume responsibility for the following:

1. The structural adequacy, capacity or safety features of the proposed improvement or structure.
2. Soil erosion, not compacted or unstable soil conditions, or site/drainage elevations.

3. Compliance with any of all building codes, safety requirements, governmental laws, regulations or ordinances.
4. Performance or quality of work of any contractor.

## **APPLICATION PROCEDURE**

### **General Instructions**

#### **Step 1 - Submitting Modification Request Form**

*No work may begin on the modification requested until the homeowner receives written approval from the ACC/ARC and the ACC/ARC issued permit is displayed in a street facing window. The ACC/ARC will mail the approval to the homeowner.*

Submission for modifications must include:

- Request for Modification Review form, completed in full and signed by the homeowner
- Documentation required for a review and decision by the ACC/ARC. As applicable to the request, support must include:

1. Complete plans and specifications with materials list to scale showing the floor plans and roof plans and all front, rear and side elevations.
2. Exterior finish schedule indicating roofing materials and other exterior materials, finishes and textures (may be noted on architectural plans). Exterior color schedule, indicating paint colors, roofing colors, stucco colors, brick and mortar selections, and trim colors. The homeowner must submit samples of all of the above applicable selections.
3. Site plans in an approved format (1" = 20') showing the location of all existing and proposed structures, building setback lines, driveways, walks, retaining walls and open space, clearly drawn to scale.
4. Landscaping plans (1" = 20') showing location of all existing and proposed structures, building setback lines, driveways, walks, retaining walls, grassed areas, natural areas, plant locations, plant species, plant sizes, drainage structures.

Homeowners should submit photocopies of all plans and documentation. All submitted plans become the property of the ACC/ARC and will not be returned, but filed for future reference and verification. All documentation including architectural drawings, photographs, property survey showing improvements, and description of materials should be mailed to MCHOA 3790 Lake Seminole Drive, Buford GA. 30519 ATTN: ACC/ARC

#### **Step 2 - On-Site Review Process**

The purpose of the on-site review is for the ACC/ARC representatives to assess the impact the request may have to neighbors, and the general quality of the community. The on-site visit is usually brief (5-20 minutes) with limited homeowner involvement required. However, we recommend that a homeowner be available to answer questions for more complex plans submitted and to help expedite the approval process.

#### **Step 3 - Decision Process**

Upon completion of the on-site review, the ACC/ARC will respond to the request with one of three decisions:

- Request Approved as Presented
- Request Approved with Conditions
- Request Not Approved as Presented

The ACC/ARC will contact the homeowner in writing with the decision, including an explanation of the decision if required.

- **Request Approved as Presented** - The plan was accepted as documented and the homeowner can begin the requested changes immediately. All work must be done in accordance with the plans as approved by the ACC/ARC. *Any variances to the approved plan require another Modification Request be submitted for approval.*
- **Request Approved with Conditions** - The plan was accepted with specific conditions provided. The homeowner should review the conditions and, if in agreement, can begin the requested changes immediately. If the homeowner is not in agreement with the conditions required, the owner may re-submit revised plans.
- **Request Not Approved as Presented** - If the plan was not approved, an explanation will be provided. In many cases, the ACC/ARC will recommend one or more alternative solutions. If the homeowner is receptive to one of these solutions, they must submit a letter and a copy of the denied request to the ACC/ARC detailing their agreement with the proposed solution selected. The ACC/ARC must approve the homeowner's plan before the homeowner can proceed with their request.
- **Committee reserves the right to require additional screening to any completed project.**

Once the ACC/ARC formally approves plans in writing, the homeowner can begin work on the improvements or alterations immediately upon posting the issued permit in a front window of the dwelling. *Work on all approved modification requests must be completed within 1 year from date of approval.*

**The ACC/ARC reserves the right to inspect/review any and all projects during the modification process to ensure the modification is being completed per the information submitted by the homeowner and meets the design guidelines and covenants.**

### **Non-Compliance/Violation Fines**

Violations are brought to the attention of MCHOA Board and ACC/ARC. This may be accomplished either by periodic (twice monthly) visual inspections by the ACC/ARC Committee or MCHOA Board, or reported to the ACC/ARC or the MCHOA Board by other subdivision residents. In the event of a violation:

- Homeowner will receive a Courtesy Notice from the MCHOA Board that will state the violation and necessary corrective action, and the deadline for correction.
- If the initial letter is not successful, a second letter will be sent by the MCHOA Board, restating the violation and corrective action required, and giving the homeowner 10 days from the date of the letter to correct the violation.
- Should the homeowner not comply with either of the above requests, a third letter will be sent notifying the homeowner of the next actions to be taken by the Association:
  - a. Certified notice will be sent stating the date fines will begin and the violation will be remanded to the Association's attorney for mediation. The Certified Notice will also notify the homeowner that they have 10 days from the date of the letter to request a hearing with the Board of Directors to contest the violation and that failure to do so voids any rights to contest assessed fines.
  - b. Should all attempts to compel compliance fail, the violation will be referred to the Association's legal counsel for dispute resolution as required by the Declaration of Covenants, Conditions and Restrictions for Morgans Crossing.

**In the case of a major violation (unapproved exterior modifications currently underway, a dangerous situation, etc.), the first action will be the Certified Notice from the Association, followed immediately by legal action to obtain a temporary restraining order (this type of violation does not require arbitration).**

#### **Disclaimers**

Approval of any Structure by the ACC/ARC is in no way a certification that the Structure has been built in accordance with any governmental rules or that the Structure complies with sound building practices. Homeowners are required by law to obtain a building permit for all new construction. For information on obtaining a building permit in Gwinnett County, contact County Planning at (770) 822-7530 and Hall County at (770) 531-6809

The Guidelines set forth herein have not been reviewed for engineering or structural design or quality of materials. In fact, it is very likely that certain standards have been adopted solely on the basis of aesthetic consideration. Therefore, no one should use or rely upon these Design Standards as standards for structural integrity or soundness of design for any construction or modification of a Structure or for ensuring compliance of any activity or construction with building codes, zoning regulations and other governmental requirements. These things must be determined by, and are the sole responsibility of, each Homeowner within the community.

Please remember that, like the Guidelines, plans and specifications are not reviewed for engineering or structural design or quality of materials. By approving such plans and specifications, neither the ACC/ARC, the members thereof, the MCHOA Board of directors, the members thereof, or the Association assumes any liability or responsibility therefore, or for any defect in any Structure constructed from such plans and specifications.

Neither the Developer, the Association, the ACC/ARC, the Board, nor the officers, members, employees and agents of any of them shall be liable in damages to anyone submitting plans and specifications to any of them for approval, or to any Owner of property affected by the Declaration by reason of mistake in judgment, negligence, or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve or disapprove any such plans or specifications.

It is the sole responsibility of the homeowner to ensure that structures are safe. Approval of any type of structure, including children's playsets, by the ACC/ARC is in no way a guarantee of the safety of individuals on the equipment.

In accordance with the Covenants, every person submitting plans or specifications and every Homeowner agrees that they will not bring any action or suit against the Association, the ACC/ARC, the Board or the officers, directors, members, employees and agents of any of them for damages or otherwise.