



Design Guidelines for Morning View Introduction to Design Review

Purpose of Design Guidelines

MorningView (MV) is dedicated to ensuring the beauty, safety, and stability of the area, promoting neighborliness and pride among the residents, and forming a base for representation in matters affecting the community and its beauty. To preserve and enhance the community, these Design Guidelines along with the Declaration of Protective Covenants (Declaration), By-Laws, and an Architectural Review Committee (ARC) are established to maintain certain standards so that the community can remain attractive and a harmonious place to live.

The Design Guidelines provide an overall framework and comprehensive set of standards and procedures for the community in an orderly and cohesive manner. The standards set forth criteria for design, style, materials, colors and location of site improvements, landscaping, and lighting. In addition, the Design Guidelines establish a process for review of proposed construction and modifications to homes and lots to ensure that all sites within the community are developed with the consistency and quality that's expected in the community.

Community-Wide Standards

MV is an attractive, pleasant place to live. In an effort to help protect your investment and enhance property values, the Community Wide Standards aim to promote a pleasant and unique architectural and environmental appeal. The Community Wide Standards can be found throughout these Design Guidelines and the Declaration. The Governing Documents give the Association the authority to make decisions and take actions that preserve and advance the Community Wide Standards.

Governmental Permits

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

Applicability of Design Review

Unless otherwise specifically stated in these Design Guidelines, no structure may be erected upon any home or lot and no improvements shall take place without receiving the prior written approval pursuant to the Declaration and as provided herein.

Owners are responsible for ensuring compliance with all standards and procedures within these Design Guidelines and the Declaration and any applicable Supplement. Owners should review and become familiar with the use restrictions applicable to MV set forth in the Declaration, which addresses restricted and prohibited activities and conditions within the community.

Review Structure

The Architectural Review Committee (the "ARC") and MorningView Homeowners Association, Inc. (the "Board of Directors") have jurisdiction over all matters relating to Improvements of residential properties, as set forth in Article 6 of the recorded Declaration. The ARC's purpose is to review plans and specifications for all construction, improvements, and landscaping on any home or lot.

NON-LIABILITY FOR APPROVAL OF PLANS

Article 6 of the recorded Declaration contains a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an owner.

PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, YOU SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF YOU DO NOT UNDERSTAND IT, YOU SHOULD RETAIN COMPETENT LEGAL COUNSEL TO ADVISE YOU AS TO ITS MEANING.

DESIGN REVIEW PROCEDURES

Review of Modifications

The review of all modifications requires the submission of an ARC Application. Depending on the scope of the modification, the ARC may require the submission of all or some of the plans and specifications listed below. Applications are available on our website, morningviewhoa.com or stop by the clubhouse for a copy. If you have question and need help on your application, please contact the clubhouse.

Items to be reviewed

The applicable items must be included before any application will be reviewed:

- 1) Modification Application Form. A completed application form must be included on all modification to a home or lot.
- 2) House Survey. Submit a **survey drawing to scale showing any** drainage easement, location of existing trees and planting beds, the location or "footprint" of the proposed improvement, retaining walls, driveways, walkways, fences,

pool, gazebo, play equipment, patios, landscaping and other improvements. Drawing scale to be the **same** as the plot plan scale. All items to show measurements.

- 3) Elevations. Rear and side exterior elevations showing building materials and finishes and indicating the maximum height of the residential dwelling.
- 4) Roof Plan. Showing slopes, pitches and gables.
- 5) Exterior Finishes. Showing the exterior color scheme (including samples and color), lighting scheme and other details affecting the exterior appearance of the proposed improvements.
- 6) Landscaping Plan. Showing location of trees, protection of existing vegetation, use of plants, and other landscaping details.
- 7) Other. Such other information, data, and drawings as may be reasonably requested, including, without limitation, irrigation systems, drainage, lighting, basketball goal, satellite dish placement, landscaping, and other features.

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 ARC 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. ARC decisions may be based on purely aesthetic considerations. However, the ARC shall not grant approval for proposed construction that is inconsistent with the Design Guidelines, unless the Board of Directors grants a variance.

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 Board of Directors shall have the power to grant a variance from strict compliance in such circumstances, so long as the variance does not result in a violation of the Declaration. No variance shall be effective unless in writing from the Board of Directors.

Review Period

The ARC shall make every effort to review and provide a decision for each Application and plan submittal within forty-five (45) calendar days of submission of a complete review request containing all materials and fee required by ARC. The ARC decision shall be rendered in one of the following forms:

- (a) "Approved or Approved with Conditions." The entire application as submitted is approved or approved with conditions. However, please be aware that approval is always contingent on the application being completed as approved. Any variation from the approval may result in fines and/or

remedial action, including removal of any work performed.

(b) "Denied." The entire application as submitted is rejected in total. The ARC will provide reasons for the denial and suggest how a successful application may be submitted.

(c) "More Information Needed." The ARC may feel that they require more information to make a proper decision of the submitted application. A list will be provided for what additional information is needed.

Municipality 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 the Applicant to obtain all necessary permits and approvals.

Implementation of Approved Plans/Modification

All work must conform to approved plans. If it is determined that work completed or in progress is not in compliance with these Design Guidelines or any approval issued by the ARC, the ARC shall, directly or through the Board, notify the Owner in writing of such noncompliance specifying in reasonable detail the particulars of noncompliance and shall require the Owner to remedy the same at the owner's expense. If the Owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance within the time stated in the notice, then such noncompliance shall be deemed to be in violation of the Declaration and these Design Guidelines. A letter of cease and desist will be issued.

The approval of the ARC of any final plans and specification, or any variances granted, will be valid for a period of 120 days only. If construction is accordance with such plans and specifications or variance is not commenced thereafter, the Owner will be required to resubmit such final plans and specification or request for a variance to the ARC to re-evaluate.

Changes after Approval

All proposed changes to the original approved plans must be submitted to and approved in writing by the ARC **prior** to implementation. Close cooperation and coordination between the Applicant and the ARC will ensure that changes are approved in a timely manner.

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

Violations

The Board of Directors has directed the Community Association Manager or the ARC to routinely visit all modifications. Any work performed without an approved modification application shall be in violation of the Declaration and the Design Guidelines. A letter of violation will be issued instructing the responsible homeowner to bring this modification

into compliance within a specified period all work to stop until such approval.

A property owner may correct a noncompliant modification by:

- a. Submitting a modification request application to the ARC for approval of the noncompliant modification. If the noncompliant modification meets requirements of the Design Guidelines and the aesthetics of the community, it will be approved at a regular meeting of the ARC, added to the property permanent record, and the violation will be closed.
- b. Should the property owner elect not to submit an Application for Change request or should the ARC decline to approve the modification as submitted, the homeowner must return the property to the original condition prior to beginning said modification.

Residents are encouraged to perform a **Self-Check** of their property for potential compliance issues. Should a resident discover a non-compliant condition, he/she may want to follow one of the actions described previously to bring the property into compliance.

Enforcement.

Any project started prior to receiving approval from the ARC is subject to a \$1,000 fine plus a \$100 per day fine until the removal or correction of the modification / change to restore the change to its original or ARC Committee approved state.

In the event of any violation of the Declaration or Design Guidelines, the Board may take any action set forth in the By-Laws or the Declaration. The Board may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. In addition, the Board shall be entitled to recover all costs incurred in enforcing compliance, including reasonable attorney's fees, and/or to impose a fine against the Lot upon which such violation exists, or to impose daily fines which shall continue until the violation is remedied.

ARCHITECTURAL AND IMPROVEMENT DESIGN STANDARDS

Architectural Standards.

The ARC may disapprove plans if in its judgment the massing, architectural style, roofline, exterior materials, colors or other features of the addition do not meet the neighborhood standards.

Accessory Structures.

Storage buildings, sheds and detached garages, are not allowed.

Additions and Expansions.

ARC approval is required for any addition to or expansion of a residence. Materials shall match the existing residence in both color and architectural design. The height of any addition to an existing home shall not be higher than the original ridgeline. No alterations or improvements shall be approved if the proposed roof pitch varies from the original constructed pitch of the roof.

All additions to homes shall be built within the lot and within building setback lines established by local governmental authority and or Gwinnett County.

All materials used in maintenance, repair, additions and alterations shall match those existing as to color, composition, type, and method of attachment. The ARC may allow substitute materials if such materials are deemed by the ARC in its sole discretion to be compatible with the theme of the community.

No additions, alteration or renovations shall be permitted if it is determined to have an adverse/material impact upon neighboring properties and/or community. The size of any project shall be determined by the available space on the lot, building setback lines and any drainage easements. The ARC or the Board reserves the right to limit the size and location of certain modifications.

When any additions, alterations, or renovations are performed to an existing home, the established lot drainage shall not be altered.

Antennas and Communication Dishes.

No exterior antennas other than those required by federal law must be submitted to and obtain the written approval of the ARC prior to installation.

Section 207 of the Telecommunications Act of 1996 (hereinafter the “Rule”) permits certain antennas for reception of video programming. The Rule allows community associations to enforce restrictions that do not impair the installation, maintenance or use of these types of antennas, as well as restrictions needed for safety or historic preservation. To the extent feasible, antennas should not be visible from the street and should be placed in the following locations which are listed in order of preference from the most preferred to the least preferred locations:

- (a) Homeowners need not submit an application to the MC for a satellite dish one meter (39”) or smaller if the dish will be mounted directly on the rear of the house, with no part of the antenna any higher than the lowest point of the roofline, or on the rear roof plane.
- (b) Mounted directly on the side of the house but not closer to the front of the house than 50% of the home’s depth; mounted on a roof plane facing the side of the house but not closer to the front of the house than 50% of the home’s depth; or mounted on the ground within close proximity to the side of the house but not closer to the front of the home than 50% of the home’s depth. If the dish is mounted on the ground, it must be placed as low to the ground as possible

without interfering with reception. The satellite dish shall not be visible from the street if standing in the street, facing the center of the house.

As much as possible, the visibility of antennas mounted on the ground within proximity to the side of the home should be minimized using one or both of the following methods:

- i. Screen the antenna from view from the street with natural plantings, trees and shrubs, with approval; to the extent they do not compromise the signal reception.
- ii. Use antennas with a dark or muted color or paint the antenna a muted color to blend with the background surface or with the surrounding landscape.

If no clear signal is obtained in any of the above locations, the Homeowner shall provide the ARC with a written statement from the installer stating no reception is available from any of the above locations. All outside wiring from dish to home entry should be painted to match the adjacent surface color to which it is attached.

APPURTENANT/ACCESSORY STRUCTURES **(SUNROOM, SCREENED**

PORCHES AND PATIOS, STORAGE AREAS, ETC.

1. Attached structures must be constructed of building materials and roofing materials of like kind and quality of the primary new construction. Paint colors and roof pitch will also match the new construction. Detached structures shall also be considered for approval but are not encouraged. All accessory structures must receive approval of the A.R.C.
2. All paint colors must be approved prior to painting, even if you are repainting with the original colors.
3. All roof replacement must be approved prior to work beginning.

DECKS AND FENCES

4. Decks should not extend past the sides of the house. Materials must be cedar, redwood, or pressure treated pine.
5. All proposed fencing must be approved by the A.R.C. prior to installation. Fence types should generally be privacy, or picket designs.
6. All fencing shall be allowed to weather naturally, i.e. cannot be painted. A privacy stockade fence six feet (6') in height with the finished side exposed to Ridge Drive and Westbrook Road is the only fence type that will be approved for lots which front Ridge Drive and Westbrook Road.
7. Privacy and picket types (6' height maximum) fences with single board designs must have the vertical fence boards to the outside of the 2"x4" rails making the outside of the fence the finished side.

8. Fences should originate from the rear corners of the house and proceed outward to and along the side and rear of the property line. Exceptions to this guideline exist to avoid meters, air conditioning units, trees, severe slopes, and to enclose basement doors. Every effort will be made on fence installation to follow the finished grade along the fence line.
9. Fencing in front yards is prohibited
10. Fencing should be placed along the side and rear property lines of the lot. Reasonable accommodations will be made to avoid large trees and severe slopes where it is not deemed reasonable for the resident to overcome the obstacle, or the placement would require removal of a significant number of trees. On corner lots, the fence shall not be closer to any side street than the building line of the lot.
11. Any fencing in a drainage easement must not interfere with the flow of storm water in the easement. County agencies have the right of access along all easements. It is recommended that fencing should not cross or be placed within easements. Perpetual easements exist along all drainage and sanitary sewer easements. The Homeowners Association and County agencies have the right of access along all easements.
12. CHAINLINK AND BARBED WIRE FENCES ARE PROHIBITED.
13. Dog runs must meet all fence guidelines.
14. A site plan denoting the location and description of the fence type are required by the A.R.C.
15. Fencing on lake properties is prohibited.

PATIO COVERS, TRELLISES, ETC.

16. Patio covers, trellises, permanent seating, and railings must be approved by the ARC. Construction material should be cedar, redwood, or pressure treated pine.

BASKETBALL GOALS

17. A site plan required denoting the location of the basketball goal must be submitted to the ARC. for approval. It is encouraged that the location of the basketball goals be behind the rear corners of the house.
18. Pole to be metal and painted.
19. Backboard may be transparent, fiberglass, or metal.

PLAY EQUIPMENT, PLAYHOUSES, HOTTUB

20. Play equipment must be located between the rear dwelling line and the rear lot line and having a minimum visual impact on adjacent property and streets. The location of the play equipment must be approved by the ARC.

21. Playhouses must be located in the rear yard where they will have minimum visual impact on adjacent properties and from the street. In most cases, materials used must match existing materials of the home and may not be larger than 100 square feet. A site plan must be approved by the ARC, showing the location of the playhouse.
22. Hot tubs must be screened from adjacent properties and streets. All pumps' pump and filter equipment must be sited where it will not cause a nuisance to adjacent property and must be screened from view. A site plan must be approved by the ARC showing the location of the hot tub and related equipment.

SWIMMING POOLS

23. Above ground swimming pools are prohibited.
24. The prior written consent of the ARC is required for the construction of all swimming pools. A site plan must be submitted denoting pool size, shape, location, fencing, retaining walls, etc. All pump and filter equipment must be sited where it will not cause a nuisance to adjacent property and must be screened from view.

SITE DESIGN GUIDELINES

TENNIS COURTS

25. Tennis courts will be permitted only where they will fit naturally onto the topography of the proposed lot and located to provide minimal visual impact to surrounding properties. Lighting for tennis courts will not be allowed. The lot size at MORNINGVIEW discourages the construction of tennis courts. Installation of a tennis court is discouraged by the A.R.C. However, a site plan must be approved by the A.R.C. showing the location of the tennis courts.

ANTENNAS

26. No exterior antennas of any type shall be erected on any portion of the community or any lot without the prior written approval of the ARC.
27. Satellite dishes are discouraged. Satellite dishes in excess of eighteen inches in diameter will not be approved. Prior to the installation of a satellite dish a site plan must be approved by the A.R.C. showing the location of the dish.

WOODPILES, AIR CONDITIONING UNITS, GARBAGE CANS

- 28. Garbage cans, wood piles, central air conditioning equipment, and other similar items should be located and/or screened from view of adjacent properties and streets.
- 29. Trash, rubbish, garbage, debris, or other waste material of any type shall be regularly removed and shall not be allowed to accumulate.
- 30. No window air conditioning units may be installed except, as may be permitted by the A.R.C.

CLOTHESLINES & WINDOW COVERINGS

- 31. Exterior clotheslines of any type are prohibited.
- 32. All Window Coverings must be backed in white or cream material for a uniform appearance from street view. Blinds are permitted as well in a consistent color. Sheets will not be permitted as acceptable window coverings.

MAILBOXES

- 33. Each owner, at his expense, will be responsible for the installation of a standard decorative mailbox, specified by the ARC that is consistent throughout the community.

ARTIFICIAL VEGETATION, EXTERIOR SCULPTURE

- 34. Exterior artificial vegetation is prohibited.
- 35. Exterior sculpture, flagpoles, fountains, birdbaths, wagon wheels, freestanding poles of all types, and similar items must be approved by the A.R.C.

LIGHTING

- 36. Exterior lights or lighting fixtures not included as part of the original structures must be approved by the A.R.C. Lighting fixtures must be a minimum of six (6) feet apart when placed in planting areas and along sidewalks or walkways.
- 37. Lights must be located to cause minimal visual impact on adjacent properties and streets.

SIGNAGE

- 38. One for sale/rent signs, school sport/graduation and security signs having a maximum area of four sf and a maximum height of four feet above ground level, and otherwise consistent with community-wide standards may be erected upon any lot.
- 39. All other signage of any type by an owner/occupant within the community must have prior written approval of the ARC before erection.

EXTERIOR MAINTENANCE. UNSIGHTLY OR UNKEMPT CONDITIONS

- 40. All planting areas should be properly maintained at all times with fresh pine straw or mulch. After the first frost, all affected material should be removed. At the end of the growing season, all dead plant material should be removed. Bare ground should be covered with pine straw, mulch or similar cover to prevent soil erosion. Material other than pine straw or mulch must be approved by the ARC. White rock will not be permitted as an acceptable ground cover.
- 41. The preferred landscape bed edging is a neat 4"-6" deep trench. Edging material, if used, must be black poly or metal flush with the ground and be of uniform type, pavers or stone to match the materials on the home. Builder grade bricks are not permitted as acceptable edging material.
- 42. Outdoor storage of garden tools, hoses, etc. must be screened from view of adjacent properties and streets.
- 43. Each homeowner shall keep his lot and all improvements thereon in good order and repair. This includes seeding, weed removal, watering, mowing, pruning and cutting of all trees and shrubbery, and the painting and other appropriate external care of all buildings and improvements. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set in the surrounding community.
- 44. Each homeowner is responsible to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition upon any portion of their property. Debris of any type shall be regularly removed and not allowed to accumulate.

LANDSCAPE DESIGN GUIDELINES

LANDSCAPING

While the ARC. provides the following as a minimum standard for landscaping, it is recommended that each lot be reviewed by the individual homeowner and careful consideration be given to the aesthetic values that extra landscaping could add to a particular home, as well as the overall enhancement of the community.

Landscaping Requirements:

All front yards with the exception of natural or undisturbed areas must be sodded. Integrally designed planting beds with natural ground cover shall be considered as natural areas. In addition, some side yards may be required by the A.R.C. to receive sod, especially in areas where drainage swales are necessary, in an effort to reduce erosion and unsightly washes. Rear yards and most side yards may be sodded with the exception of corner lots.

Foundation plantings (shrubs along the front elevation of the house) are to be a minimum (2) gallon size plant for lower growing varieties, and a minimum (3) gallon size plant for larger growing varieties. Corner plants should be larger – minimum (5) gallon or four - 4" B&B size.

Landscape plans are required, for review of the ARC when installing additional trees, shrubs and plant beds other than those installed by the builders. The ARC recommends working with a Landscape Architect/Designer for assistance in preparing plans or sketches for each lot. The A.R.C. will review these plans to assure a flowing streetscape within the community.

The following is a list of recommended plant materials:

Shade Trees:

Red Maples (October Glory, Red Sunset)
Oak (Willow, Pin, Water)
Zelkova
Heritage River Birch
Sugar Maple
Tulip Poplar

Foundation Shrubs

Hollies
Hicks Yews
Laurels
Gumpo Azaleas
Nandinas
Japanese Pieris

Flowering Trees:

Crabapple (Flowering)
Dogwood
Redbud
Bradford Pear or Aristocrat Pear
Crape Myrtle
Cherry (Yoshino, Kwanzan, Weeping) Saucer
Magnolia

Foundation Shrubs:

Mahonia
Rhododendron
Aucuba
Camellias

Large Evergreen Screening Trees:

Japanese Black Pine
Virginia Pine
Southern Magnolia
Loblolly Pine
Leyland Cypress
Hemlock
White Pine

Accent Shrubs/Flowering Shrubs:

Azalea
Barberry
Hydrangea
Pampas Grass
Privet
Leucothoe
Spirea
Forsythia
Quince

Medium Evergreen Trees/Large Evergreen Shrubs:

Nellie R. Stevens Holly
Cherry Laurel
Foster Holly Wax
Myrtle Savannah
Holly Elacagnus

Tree Removal

Although in some cases tree removal can be accomplished without an associated tree replacement, tree removal requests must be accompanied by an associated tree replacement/landscaping plan in order to prevent the decimation of trees within the Community.

Please note that in cases of multiple tree removal a Board approved Arborist may be required prior to any conditional approvals.