

## Martin's Landing Foundation

### Architectural Guidelines

#### 1. PURPOSE

Architectural standards are identified in Martin's Landing's Declaration of Covenants, Conditions and Restrictions and By-Laws under Article VIII, Architectural Standards. The Architectural Review Committee ("ARC") and the scope of its responsibilities are defined further in this document. (1) The ARC shall assure that all installation, construction, modification, or alteration of exterior items, structure, or significant landscape item is in conformity and harmony with the neighborhood-wide standard. (2) ARC shall adopt the standards which shall be approved by the Martin's Landing Foundation ("MLF") Board and be published to the members before they are enforced. With these two primary objectives, the ARC has developed a set of Architectural Guidelines to assist property owners as they review the Declaration. These Guidelines should be read in conjunction with the Declaration and By-laws and do not replace the provisions set forth within these documents. It is not the intent of these Guidelines to inhibit or restrict creativity, but rather to provide general parameters to create an architecturally harmonious community.

The protective covenants and restrictions are a part of the deed to each homeowner's property and are legally enforceable documents. The purpose of the covenants is to create and maintain standards of high esteem and visual harmony within the community in order to protect each homeowner's investment. Therefore, there is an obligation for property owners to comply with the standards & restrictions provided in the covenants.

Any exterior additions and/or modifications to a homeowner's property must have approval of the ARC. Any deviation from the Guidelines must have the approval of the ARC. Plans must be in harmony and general quality with the existing standards of the neighborhood and in relation to surrounding structures and topography. Each project will be assessed on its own merit. The inclusion of any recommendation in these Guidelines shall not preclude the ARC's right to approve or disapprove any request.

Any problems, concerns, questions, complaints or reports of noncompliance must be submitted to the ARC for appropriate action, through your Association ARC representative or the MLF Foundation Office.

Problems or concerns with MLF Foundation property (i.e., Martin's Lake, North Pond Pavilion area, Lake Pavilion area, the River Club, greenbelts, etc.) should be submitted directly to the Foundation Office.

Noncompliance with the provisions of Martin's Landing's Declaration of Covenants, Conditions and Restrictions and By-Laws, Architectural Guidelines and Rules & Regulations may result in the remedy of the item(s) in violation and/or fining upon written notice by Martins Landing Foundation.

## 2. Approval Process

An Architectural Approval Request form with plans, specifications and all information reasonably required to evaluate the project, must be submitted to the Association's ARC representative or to the MLF Office prior to the commencement of any exterior modifications or submissions. Forms are available from the Martin's Landing Foundation Office, your Neighborhood Association's ARC representative or the MLF webpage ([www.martinslanding.org](http://www.martinslanding.org)).

The ARC will act on submitted plans at the time of the next regular ARC committee meeting following the submission of the plans, or within forty-five (45) days of the official MLF date of receipt of the completed Approval Request and all information required for its consideration. Please refer to Article VIII of the Covenants and By-Laws for more details.

## 3. Appeal Process

An owner has a right and can appeal a ruling by the ARC within thirty (30) days of the final ARC decision by written notice sent by certified mail and made through the President of the Foundation to the Appeal Board. The Appeal Board is composed of 5 members of the Foundation Board, a representative from the Foundation Landscaping Committee, and The President of the Neighborhood Association where the request originates. This Appeal Board will issue its written ruling on the appeal within forty five (45) days of receiving written notice of the appeal.

If the ARC application is not approved in whole or in part by the Appeal Board, an owner will have the right to make a final appeal to the Foundation Board of Directors by written notice to the President of the Foundation, within 30 days of the date of the written notice of the Appeal Board's decision. The Foundation Board will issue its written ruling on the appeal within forty five (45) days of receiving written notice requesting an appeal

Please refer to section 8.6 of the By-Laws for more details on the appeal process.

## 4. Violations and Fining Schedule

The ARC will notify the Foundation, affected Association and the homeowner of any violation observed and specific actions required to remedy it. If the Owner does not take measurable steps to correct the violation within 30 days, the Foundation has the right to pursue all legal & equitable remedies including fining the violating owner, entering the property to remove the violation and restoring the property to its previous condition at the owner's expense. The Foundation and the Board may, at their discretion, designate the ARC and/or the Community Association Manager to act on their behalf in making the initial determination in fining a violating owner. Any such determination by the ARC or the Community Association Manager would be the equivalent of and treated as a determination by the Foundation Board/the Foundation.

The appeals process for violations is the same as that for denial of Approval Requests, outlined in section 4.

The following guidelines have been approved by the MLF Board as general guidelines for fines:

- a. Continuing daily fines: These fines shall apply to continuous violations (by way of illustration, but not limitation: unapproved signage, cars parked on the grass, trailers, boats RVs and commercial vehicles parked in a conspicuous location, any exterior modification that does not meet ARC standards and Guidelines) and shall be in the amount of \$25 per day, per violation and for each day the violation continues.
- b. Single occurrence violations: These fines shall apply to single-occurrence violations (by way of illustration, but not limitation: trash cans left at the street beyond the allowable time, unapproved AC window units, improperly stored firewood) and shall range from \$25 to \$100 per incident, depending on the nature of the violation. A daily fine of \$25 may also be incurred for failure to correct the violation. First violation in this category will incur a \$25 fine, a second occurrence of the same violation will incur a \$50 fine, a third occurrence of the same violation will incur a \$75 fine, and a fourth occurrence of the same violation will incur a \$100 fine. Failure to obtain ARC approval prior to the beginning of an exterior modification project will incur a fine of \$50-\$300.
- c. Severe violations: \$101 to \$500 per incident. These fines shall apply to severe violations as may be further defined in the MLF Rules and Regulations (by way of illustration and not limitation; neglect of home maintenance, installation of a chain link fence; installation of a storage structure visible from the street, tree removal without ARC approval, each tree comprising a separate violation) and shall be in the amount of \$101 to \$500 per incident. A daily fine of \$25 may also be incurred and/or reimbursement of any costs incurred by the Foundation in remedying the violation.
- d. Special Cases: These fines will be determined by the Board in its discretion and shall apply to repeated or habitual violations and any unapproved significant exterior structural or landscape modification (by way of illustration and not limitation; removal of mature hardwood trees).

These are general guidelines and do not serve as a limitation on the Board in any way. The Board in its discretion may deviate or vary from these standards when the Board determines that the situation warrants a deviation. Furthermore, in any instance of a violation, the Board shall be entitled to recover any and all attorney's fees incurred by the Foundation in enforcing the terms of the governing documents. Any and all fines imposed are in addition to, but not in lieu of, all other enforcement remedies available to the Foundation. All fines shall be imposed in accordance with the procedures set forth in Article XII, Section 12.4 of the Declaration.

## 5. Exterior Additions, Modifications and Lot Guidelines

- a. Before any house may be occupied, it must be completely finished on the exterior; all of the yard that is visible from any street must be planted with grass or have other suitable ground cover and the driveway must be paved.
- b. No house trailer shall be permitted on any lot at any time.
- c. Any exterior additions and/or modifications to a homeowner's property must have approval of the Architectural Review Committee (ARC) prior to the start of the project.
- d. All lots, whether vacant or occupied, together with the exterior of all improvements shall be maintained in a neat attractive condition. Such maintenance shall include but shall not be limited to painting, staining, repairing, replacing, and caring for roofs, gutters, downspouts, building surfaces, trees, shrubs, grass, walks, and other exterior improvements; provided, however, that any such painting or staining shall be compatible in appearance and quality within the range of colors and materials existing on other residences in the neighborhood.
- e. Any repainting of any house or other structure, even in the original color scheme, must be submitted to the ARC for approval
- f. Garages must be enclosed and have a garage door: No carports are allowed.
- g. No building materials or mechanical devices shall be stored on any lot for longer than the length of time reasonably necessary for the construction on which it is to be used.
- h. No house or other structures shall be used for office or business purposes except that private offices may be maintained and used as long as such use is incidental to the primary residential use of such house and is compliance with the City of Roswell Code.
- i. Garage space may not be converted to living space.
- j. All roof stacks and vents must be located on the rear slopes of roofs
- k. All roof stacks, vents, flashings, and chimney caps must be painted to approximate the color of the roof.

## 6. Landscaping

- a. In general, landscaping should consist of vegetation native to the Southeast, and should relate to the existing terrain and natural features of the lot. Trees, shrubs, bushes, and other vegetation may be planted on any lot without approval provided that such planting is harmonious in appearance and general quality with existing standards of the neighborhood and well located in relation to surrounding structures, vegetation and topography.
- b. No trees should be planted on any property in a location where their growth would interfere with the effectiveness of solar devices on an adjacent property.
- c. No trees, shrubs, bushes, or other vegetation having a diameter of three inches or more as measured at breast height of its trunk or stem shall be cut, destroyed or mutilated except by permission of the ARC. Dead, dangerous or diseased shrubs, bushes, trees or other vegetation shall be cut and removed promptly from any lot by the owner after such dead or diseased condition is brought to the attention of the ARC and permission for such cutting and removal has been obtained. In addition to ARC approval, tree removals

require City of Roswell approval as outlined in Article 15 of the Roswell Zoning Ordinance. Please call Community Development at 770-641-3780 for more information.

- d. On any lawn or yard area visible from any street, there shall be no decorative appurtenances placed, such as sculptures, birdbaths, gazing balls, fountains, or other embellishments unless the ARC has approved such items.
- e. Vegetable gardens are prohibited in the front yard, except as approved by the ARC.
- f. Yard debris,(including, but not limited to leaves, fallen limbs, pinestraw etc..) must be disposed of properly. Leaving or placing yard clippings and/or leaves/pinestraw in the street (gutter) is prohibited.

## 7. Swimming Pools

- a. Swimming pool designs must be submitted to the ARC for approval before any clearing or grading is done. Construction plans, including landscaping and fencing, must be submitted for approval. Above ground pools are not permitted. Homeowners are reminded to check with local zoning authorities to determine setback requirements. Pools must have an ARC approved fence which meets or exceeds State or Local requirements. Some locations in Martin's Landing lie inside the River Corridor. Special conditions apply in such case.
- b. The ARC must approve pool enclosures, including temporary inflatable structures. Subdued colors are recommended for any such structure, and adequate landscaping will be required to screen the structure from neighboring properties.

## 8. Fences and Signs

- a. The ARC must approve all fencing. Metal fence posts and chain link fences, including vinyl clad, are not permitted on a homeowner's property.
- b. All signs with must be approved by the ARC with the following exceptions:
  - 1. Traditional real estate signs (18"x24")
  - 2. All campaign signs subject to public vote- 1 per lot per seat- must be removed Within 24 hours of the election.
  - 3. Congratulatory signs – allowed for not more than 2 weeks and may not exceed the approved size (18"x24")
  - 4. Contractor signs – may be displayed 1 week before, during, and 2 weeks after completion of project.
- c. Signs must not exceed 18" x 24" and must be attached to a standard metal or wooden stake.
- d. No more than two signs will be permitted on any lot at a time.
- e. Signs are not permitted within the right of way, on private property without permission, or on utility poles, traffic signposts or trees.
- f. In addition to ARC sign requirements, signage may require City of Roswell approval.

## 9. Outdoor Buildings and Storage Units

- a. Freestanding storage structures or temporary structures are not permitted if visible from the street.
- b. No stable, poultry house or other similar yard or structure shall be constructed or allowed to remain on any lot.
- c. No outbuilding or other appurtenant structure shall be used for residential purposes. .
- d. No exposed above ground tanks will be permitted for the storage of fuel or water or any other substance.
- e. “Portable Storage Structure” is any container, storage unit, shed-like container or other portable structure, other than an accessory building or shed complying with all building codes and land use requirements, that can or is being used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building
  1. There must be no more than one (1) portable storage structure per property.
  2. The portable storage structure must be no larger than ten (10) feet wide, twenty(20) feet long, and ten (10) feet high.
  3. A portable storage structure must not remain at a property in any zoning district in excess of thirty (60) consecutive days, and must not be placed at any one property in a zoning district in excess of thirty (60) days in any calendar year.
  4. The portable storage structure must be placed on a concrete surface or a plan to repair damaged area must be submitted to the ARC prior to placement of the portable storage structure.
  5. Portable storage structures associated with construction at a site where a building permit has been issued are permitted for the duration of construction but shall be removed from the site no later than fourteen (21) days after the end of construction. Portable storage structures associated with construction are exempt from the aforementioned conditions.

## 10. Automobiles, Boats, Campers, Trailers and Commercial Vehicles

- a. No commercial vehicle (i.e., bus, tractor trailer) may be stored in a conspicuous location on any property.
- b. Boats, trailers, campers, motor homes, and unlicensed vehicles must be parked so that they are not visible from any street or adjoining property. Wooden fencing or shrubbery of an approved design must be used to screen any such vehicles.
- c. The parking or storage of passenger automobiles only may be permitted on the driveway leading to a garage.
- d. If any garage be used for purposes other than the parking and storage of passenger automobiles, the door or doors of such garage shall remain closed at all times when not in actual use for the purpose of ingress and egress.
- e. Cars, parked on the street, may be there for a maximum of 10 hours at a time, unless there is a safety issue resulting from the location of the parked car, i.e., parked too

close to an intersection, or parked in a curve, which are prohibited. Vehicles are expressly prohibited from being parked such that their location results in obstructing access to a mailbox or a fire hydrant.

#### 11. Miscellaneous Items

- a. Outside clotheslines or other outside facilities for drying or airing cloths are prohibited.
- b. The pursuit of hobbies or other activities, including specifically, without limiting the generality of the foregoing, the assembly and disassembly of motor vehicles and other mechanical devices, shall not be pursued or undertaken in the front yard of any lot, in any driveway, garage, or other place where such condition is visible from any street or adjoining property.
- c. No window air conditioning unit shall be visible from any street. All central A/C compressors shall be ground mounted. Approved fencing or plants of density and height to effectively hide the unit shall screen units visible from the street.
- d. The location & design of all solar heat collectors or similar devices that use sun energy must be approved by the ARC. Solar devices should not be visible from the street.
- e. All playground equipment must be placed in the rear of the property. Excessively elaborate or unsightly and aesthetically offensive structures are discouraged, unless thoroughly screened from adjoining properties and roads. The ARC must approve basketball backboards. No portable basketball goals are allowed in streets or cul de sacs.
- f. Television, radio antenna or satellite dish locations should be chosen that make the device as inconspicuous as possible.
- g. Mailboxes of a type consistent with the character of the neighborhood shall be selected and maintained by the owners to compliment the residences and the neighborhood.
- h. Firewood is to be stored in a neat manner, in the rear of the house or in a location not visible from the street.
- i. No animal or bird except of a kind which is customarily kept in a house or on a lot shall be allowed – this includes but is not limited to the prohibition of poultry and livestock; and no more than three (3) domestic dogs may be kept in a house or on a lot in conformance with Roswell city codes. Dogs are not permitted to run loose; the Fulton County leash law will be strictly followed.
- j. All trash cans, recycle bins and refuse bins are to be stored in an area not readily visible from the street.
- k. Appropriate holiday decorations and lights are allowed to be displayed one (1) month in advance of the holiday and must be removed no later than two (2) weeks following the holiday.

#### 12. City of Roswell, Fulton County Requirements

- a. All garbage, recycle material, and yard debris must be placed in containers approved by the City of Roswell. Containers may be placed at the curb after 6 pm the day before collection and must be removed by the end of collection day. City forces will

not handle any building materials or refuse from remodeling, repair or landscape work. The contractor or property owner must remove all such waste. Yard debris should be placed at the curb, not in the street, after 6 pm the day before the scheduled collection day. There is a weekly limit on the amount of yard waste that Roswell will pick up – please adhere to this limit such that debris does not stay at the curb from one week to the next.

b. On a corner lot, no plant, structure, fence, wall, sign or other obstruction to vision shall be placed or maintained within the triangular area formed by the intersection of street right-of-way lines and a straight line connecting points on said street lines, each of which is twenty-five (25) feet distant from the point of intersection.

c. Residents shall refrain from any act or use of the property that could reasonably cause embarrassment, discomfort, or annoyance to owners and residents of other property. Noxious or offensive activities shall not be carried on upon any lot.

The Foundation, Board of Directors, ARC, and members thereof, are not responsible for ensuring, and shall not be held liable for any injury, damage or loss arising out of: (1) the quality, structural integrity or soundness of any modification on a lot; or (2) any modification's compliance with building codes, zoning regulations or other governmental requirements. All owners and residents are responsible for ensuring his or her compliance with all municipal and county ordinances.

The ARC, with Board approval, reserves the right to add, delete, or revise the Architectural Guidelines at its discretion as authorized by the bylaws of Martin's Landing Foundation, Inc. The judgment of conformity rests solely with the ARC in its role to maintain the overall aesthetics of Martin's Landing. Each architectural request will be reviewed on its own merits due to the inherent characteristics of each home and its location within Martin's Landing. The ARC reserves the right to approve or disapprove any submission based on these unique circumstances.

### 13. Variances

a. Variances to any ARC Guidelines must be submitted to and approved by the Architectural Committee.