

St Marlo Association, Inc.
Architectural Standards Manual
October, 2022

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1 INTRODUCTION

1.1 General

The Declaration of Covenants, Conditions and Restrictions for St Marlo (herein as referred to as “Covenants”) gives authority to the Association through its Board of Directors (herein referred to as “the Board”), to establish reasonable rules and regulations governing the Properties. As such, the Board has created an Architectural Standards Manual. Pursuant to the Covenants, oversight of standards is charged to the Design Review Board (hereinafter referred to as the Architectural Control Committee or “ACC”). *

The purpose of this Manual is as follows:

- to set forth the policy and process for alterations to and maintenance of existing property
- to maintain standards for new construction
- to ensure St Marlo is a community of quality homes, buildings and grounds that are of tasteful and aesthetically pleasing architectural design
- to ensure that homes, additions, etc. are constructed with long-lasting materials and high construction standards
- to ensure that alterations are harmonious with surrounding structures and topography
- to ensure that landscaping and other site improvements are consistent with the aesthetic quality of St Marlo as a whole

Please note that any plans by a homeowner for any type of exterior change including, but not limited to construction, painting or landscaping, must be submitted to the ACC for approval before work begins. Please be advised that the ACC requires a minimum of 45 days to review each application. The ACC will review any emergency request on a case-by-case basis, including but not limited to a leaking roof, door or window.

Homeowners are advised that the Covenants have granted broad discretionary powers regarding the remedy or removal of any non-complying improvement constructed within St Marlo. In this regard, if the ACC finds that any improvement was not performed or constructed in compliance with the submittals receiving final approval, or were not submitted for approval as required, the Board may remedy or remove the non-complying improvement, and charge the expense of the action to the Homeowner.*** Notwithstanding the foregoing, before any enforcement action is taken, homeowners will be provided written notice to remove or rectify such violations, and homeowners shall have an opportunity to appeal decisions made to the ACC and the Board. Property owners are encouraged to review Article XI, Section 23 of the Covenants regarding the Association’s rights with respect to such violations.

1.2 Architectural Standards Policy

The Board authorizes the ACC to develop and begin implementation of the following policy in conjunction with requests from property owners to review and approve architectural improvements as defined in the Architectural Standards Manual.

All non-complying architectural matters shall be reviewed, included in, and made a part of the approval process. Architectural improvements or modification requests are to be submitted to the Property Manager.

If a non-complying non-permanent condition existed prior to a new standard being adopted, it is considered to be “grandfathered”. A non-complying non-permanent item would include but would not be limited to items such as statues, planting pots, yard art and other such items. The grandfathered item is permitted to remain on the property in its current location until such time as the item is moved, changed in any way or the property is sold to a new owner. At that time, the new standard will take precedence, and the property must be brought into compliance. It is understood that the ACC has been given the authority to review and determine if a non-complying non-permanent architectural item will be grandfathered. PLEASE NOTE: Just because you may see something in the neighborhood, does not mean it is something that would be approved using today’s standards.

Note that review and approval by the ACC shall not be construed to imply that the ACC, the Board and/or the Association accepts any responsibility or liability for the structural integrity of any designs, construction practices, warranty, or guarantee as to the suitability of any materials or conformance to applicable codes. The HOA and ACC are NOT responsible for misrepresentations or disagreements between neighbors when submittals are approved. It is the responsibility of the property owner to verify property lines and conformance to all local codes. Further, the property owner is responsible for all permits and inspections required by the County, State, or Federal agencies having jurisdiction over said property.

This Document replaces all previous updates of the Architectural Standards Manual and Modification Approval Forms used prior.

2 THE ARCHITECTURAL REVIEW PROCEDURES AND GENERAL STANDARDS FOR EXISTING HOMES

2.1 General

The intent of home, property and landscape redesign and construction from its initial design or previously approved redesign and construction is to provide and maintain the overall design integrity and harmony in the community. Thorough and timely submission of plans and information prior to commencement of any work, as well as adherence to the Design Standards set forth in this Manual, will prevent delays and minimize frustration and conflict for homeowners, St Marlo Association, Inc., the Board, the ACC, the Property Manager and all other parties involved. Questions concerning the interpretation of any matter set forth in this Manual should be directed to the Property Manager before any work is begun.

Approvals that include major structural changes can be referred to an Architect chosen by the ACC for such service, providing such approvals, denials or recommendations are clearly

defined within the Architectural Standards Manual. All variances from the Architectural Standards Manual recommended by an Architect must be approved by the ACC. In addition, the Property Manager may approve, deny or recommend minor changes or enhancements, *provided the ACC has granted such authority to the Property Manager.*

2.2 Additions or Alterations, Definitions and Examples

2.2.1 Additions or Alterations to Existing Homes or Property: An addition or alteration to an existing home is defined as any change, modification, alteration, painting or other such work to an existing home or property that can be seen from any side of the exterior, including, but not limited to, landscape alterations that change the approved grade, involve the removal or installation of trees, shrubs or hardscape, or the addition of added mulch beds, etc.

All work on the exterior of an existing home must be submitted to the Property Manager PRIOR to commencement of work.

Submittal information must include:

- the completed and signed Modification Approval Form, including start and end date
- a picture of the front of the home in its present condition
- a picture of the area to be affected by the proposed change
- if appropriate to the change, a drawing representing the change to be made
- a list of materials and colors to be used in the project, represented by a sample of the material or an accurate picture depicting color and shape of material.
- a rough stake out of the proposed addition or alteration may be required prior to rendering final approval on any matter relating to the submittal, at the discretion of the ACC
- a copy of any permits required by County, State or Federal agencies
- the need for port-a-potties or dumpsters related to the project; must be located on the driveway
- copy of any variances needed for the project showing approval from the County
- a copy of either an 'as built' or current legal survey of the property where sides and/or back of the property are involved

2.2.2 Examples of Additions: Examples of additions include, but are not limited to deck expansions, screen porches on existing decks, covered porches, sunrooms, pools or ponds of any kind, hot tubs, arbors, site or retaining walls (masonry), porches or stoops, stairs/steps, patios, privacy screening, fountains, statuary, any room extension including garages, outdoor firepits, outdoor kitchens, or fireplace additions that require a chimney. Finishing interior space in a basement does not require a submittal unless windows or doors are changed or added as a part of the project. **Please ensure that you and your contractor(s) have received all required building permits from Forsyth County before any construction and/or alteration commences and that all relevant permits are visibly displayed on the property.**

2.2.3 Examples of Alterations: Examples of alterations include, but are not be limited to, landscaping, hardscape, driveways, driveway staining or coloring, exterior repainting or re-staining, window and door replacements and roof replacement.

Installation or change to existing seasonal color in planting beds does not require a plan submittal.

2.3 Submission of Plans and Approvals

2.3.1 First Step: *Homeowners are encouraged to contact the Property Manager at 678-475-9890 to determine whether a submittal is required and if so, what the submittal requirements are.* This simple step can aid the Homeowner in obtaining approvals in a more timely fashion and avoiding fines for beginning work without approval. **Submittals for Additions or Alterations to a home must be prepared by a qualified architect or contractor. Submittals for major landscape changes must be prepared by a qualified landscape designer.**

All requests for improvements within any golf easement or those visible from the golf course require additional approval from St Marlo Country Club. Written approval from St Marlo Country Club must be included with the submission package.

2.3.2 Plan Submissions: At a minimum, plans are to contain sufficient information to graphically portray the proposed addition or alteration so that the ACC can perform a review of the submittal without visiting the home, if at all possible. A set of plans must be submitted (two sets if an Architect is deemed appropriate for the review) and must include the following, if applicable:

- A. Floor Plans and Foundation Plan at a scale of $1/4" = 1'0"$.
- B. Exterior Elevations at a scale of $1/4" = 1'0"$.
- C. Site and Grading plan at a minimum scale of $1" = 20'$.
- D. Repainting of the exterior of the home - submit color chips of the proposed colors plus a color photograph of the home showing existing color
- E. Landscape modifications and additions at a minimum scale of $1" = 20'$; all shrubs must be a minimum of 3-gallon containers; all foundations visible from the street must be screened by plant material.
- F. Photos of the view of the home as it exists prior to the modification must also be submitted.
- G. Estimated completion date
- H. Digital or color photos that clearly show condition of sidewalk and curbing prior to

project commencement.

- I. If determined by the ACC, the property owner may be required to provide a security deposit to cover any damage to common area(s) during construction. This deposit will be returned to the homeowner after completion of the project if no damage has occurred.

2.3.3 Review Fee: A non-refundable Review Fee will be charged if the ACC must hire an Architect to review a submittal for change. The homeowner will be charged the fee that is charged to the Association for these services. Checks should be made payable to ***St Marlo Association, Inc.***

2.3.4 Project Completion Time Limits: Any lot owner submitting a plan for Architectural Review must agree to the following:

- A. On receipt of the approved architectural plan, the lot owner must agree to start the project within 60 days of the approval date. An estimated completion date or timeline must be included with the final plan. If the project has not begun within the time period specified, the plans must be resubmitted to the Property Manager for review by, the Association's architect and/or the ACC committee.
- B. An approved project must be finished within 30 days of the estimated completion date and completion dates are not to exceed 6 months. For any project that goes beyond the noted dates, the lot owner must provide, in writing to the Property Manager and the ACC, the reason for the delay and a new estimated completion date.
- C. If weather or anything beyond the control of the property owner prevents the start and/or completion of the project, the Property Manager must be notified in writing at the time of the delay for consideration of a waiver to extend the project dates.
- D. Any homeowner who fails to comply with these rules or cannot provide a reasonable explanation for the cause of the delay with a revised estimated completion date may be subject to fines of \$50 per day and/or required to return the property back to its original condition.
- E. Lot owners must provide Security with the company names authorized to work on the project. If the project is to be completed in whole or in part by the lot owner, this must be noted on the final approved plans.
- F. Upon completion of the project, the Property Manager must be notified and, if appropriate to the project, a final inspection may be performed by the Property Manager, Association architect, and/or the ACC. The inspection is to ensure that the project was completed as specified on the approved plans, to document the change with a photographic record and that no violations of the ACC or HOA rules and regulations have occurred. It is the responsibility of the homeowner to submit a photo of the completed project for the HOA records to close the file. Failure to do so may result in a fine of \$50/day until received.

2.3.5 Landscape Plan Review: Landscape Plans will be reviewed for appropriate use of:

- plant material
- utilization of natural site features

- drainage control measures through the use of underground pipes, ground covers, sod, etc.
- location of required screenings
- plant sizes and quantities
- general appearance of design scheme (See Detail in Section 6 and 4.4).

2.3.6 Variances: With reference to variances required by Forsyth County, a copy of paperwork from the County approving the requested variance must be included in the initial submittal to the ACC. Refer to Forsyth County Unified Development Code (UDC).

2.3.7 Appeal: If an application for approval has been denied, or if there are disputes to any other matter related to the decisions of the ACC, the Homeowner may request a hearing before the full meeting of the Board and the ACC within 30 days. At the hearing, the Homeowner will be allowed to present his position on the matter and make requests or recommendations as to an alternative action. After the hearing, the Board will review the information presented and notify the Homeowner in writing within one week of its final decision on the hearing. The decision of the Board regarding the matter shall be final.

2.3.8 Modifications initiated without the Required Submittals and Approvals:

Homeowners who commence or continue with exterior additions or alternations to a home or property without the required submittals and approvals as listed herein will be subject to a fine of \$500.00, plus \$50 per day for each day the violation of submittal guidelines continues.** Upon identification by the ACC that construction has commenced or has continued without the required authorizations and approvals, the Homeowner will receive a letter from the Property Manager requesting immediate corrective actions and the contractors and sub-contractors may be denied access to the community until resolution. If corrective actions are not taken within the specified time period, a second letter will be sent requesting corrective action and establishing additional fines.

2.3.9 Inspection: The ACC, or its designated Representative, has the right to enter upon and inspect any property at any time before, during, or after the completion of work for which approval is required under this Manual. Notice of time and date of inspection will be provided to the homeowner should it be necessary to enter upon the property to complete the inspection.

Upon completion of construction, a Homeowner must give notice to the ACC that the construction and/or landscape installation is complete. As referenced in 2.3.4 (F), if appropriate to the project, a final inspection may be performed by the Property Manager, Association architect and/or the ACC.

2.3.10 Failure to discover modifications: The failure of the Board, Property Manager or the ACC to discover that modifications have been made to a property shall not in any way convey approval for such modifications. It is the responsibility of the homeowner to follow the submission and approval process outlined herein. Upon discovery of such modifications, the homeowner shall be subject to a fine as determined by the ACC with the approval of the Board. Further, the Board may take actions as outlined in Section 2.3.8.

3 BUILDER/HOMEOWNER SITE MAINTENANCE STANDARDS

3.1 General

Homeowners shall be held responsible for the maintenance of the construction site. Violations of the Site Maintenance Standards can result in fines and/or costs incurred by the Association to correct such violations and those charges will be billed to the homeowner. In this regard, the homeowner shall be responsible for the following:

- A. **ABSOLUTELY** no signs advertising companies will be allowed on the property. If a sign is found on the homeowner's property, then an immediate fine may be assessed to the account if the sign is not removed within 24 hours.
- B. Construction site must be kept clean and free of debris and waste material. Stockpiles of supplies and unused materials are to be kept in a neat and orderly fashion in an area that is least conspicuous to neighboring properties to the extent that is reasonable. Projects may require the use of silt fencing at the discretion of the ACC.
- C. Trash is to be retained in a refuse container. Once filled, the container(s) must be promptly emptied or removed.
- D. Dumpsters and/or port-a-potties must be pre-approved by the Property Manager as to size, location and duration of use. No dumpster or port-a-potty may be located on a street unless approved by the Property Manager and only for unusual circumstances.
- E. Burning of trash, yard debris or any waste materials IS NOT PERMITTED AT ANY TIME.
- F. Contractors' vehicles are not to be left on the streets overnight and may be removed at the owner's expense. Additionally, a fine may then be imposed against the property owner. Vehicles parked during the day must be left in the direction of traffic flow and clear of all intersections, driveways, mailboxes, etc. Vehicles cannot be parked on the lawn area at any time and may be subject to fine as soon as it is discovered.
- G. Project mud or landscape debris must not be allowed to remain on or transfer to the sidewalk, street or neighboring properties. This requires, but is not limited to, sweeping, blowing or hosing the affected area to keep area clean at the completion of each day.
- H. No trash, building materials, or yard debris is allowed to enter into the storm drain system of St Marlo. The property owner shall be held responsible for all repairs to the drainage system caused by any activities associated with the improvements.
- I. Security of all materials on the property is the responsibility of the homeowner.

The Association will not be responsible for any losses or damage incurred for materials and/or equipment stored or used on the property.

3.2 Worker Conduct

Homeowners shall be held responsible for the acts of their employees, sub-contractors, suppliers and other persons or parties involved in construction or alteration of a home-site. In this regard, a Homeowner is responsible for the following:

- A. Prohibiting the consumption of alcoholic beverages, illegal drugs or other intoxicants that could hamper the safety or well-being of other persons on the site or on the property within the community, or affect the quality of workmanship
- B. Assuring that all site personnel do not commit any violation of the rules and regulations of the Association, to include those pertaining to the operation of vehicles on the private streets within the community. Fines incurred for such violations must be paid within 30 days of occurrence by either the worker or the build contractor. If the fines remain unpaid the vehicle and worker will be denied access to the community and the fine will be billed to the homeowner's account.

Homeowners are reminded that contractors and others involved in the construction or modification to the property must observe the following:

- The speed limit is 25 MPH
 - All vehicles must stop at STOP signs
 - Work vehicles must be parked on the same side of the street as the residence and in the appropriate direction of traffic. These vehicles cannot block neighboring driveways or mailboxes.
 - Construction vehicles are prohibited from remaining on the street overnight.
- C. The hours that contractors, their employees or sub-contractors are permitted to work in St Marlo will be strictly enforced. Unless advised otherwise, the permitted work hours are:

1. Monday - Friday: 7AM - 7PM

2. Saturday: 7AM - 7PM

3. Sunday: See Sunday Work Policy, Section 3.3

The ACC or its designee may grant exceptions to permitted hours on a case-by-case basis. Such requests must be made in advance.

- D. Contractors' employees or their sub-contractors are not allowed to trespass on adjacent property for any reason (including taking water and electricity).
- E. Contractors are required to use the back gate for entering and exiting the community. In some cases, vehicles with 2 axles that are free of hanging equipment

and trailers may be allowed access through the front gate.

Note that all vehicle operators must present a valid driver's license to operate any vehicle on the streets of St Marlo. Drivers without a valid driver's license will be refused entry into St Marlo.

F. Site noise should be kept to a reasonable level - loud music will not be permitted.

G. Ensuring that all contractors associated with the project must be properly insured

VIOLATORS MAY BE FINED AND/OR DENIED ACCESS TO THE COMMUNITY.

3.3 Sunday Work Policy

The intent of the following is to reduce commercial vehicle traffic and noise on Sundays when most homeowners are at home with family.

Contractor, or homeowner work that is NOT permitted:

- a. that which creates prolonged vehicle presence on the streets
- b. that which creates noise of any kind including lawn maintenance, exterior construction, exterior painting (see rule a, above)
- c. moving in or out (see rule a, above)
- d. routine tree removal (exception is clearing immediate damage to homes, driveways, roadways)

Exceptions to contractor presence include the following:

- a. emergency repairs including appliances, HVAC, electrical, plumbing, telephone, cable/satellite

For non-emergency Sunday contractor entry, the homeowner must call Security in advance. If there are questions, they should be referred to our on-site Property Manager during normal working hours. If there are issues that occur on Sunday, Security will coordinate with a Board member for resolution.

4 SITE IMPROVEMENT STANDARDS

4.1 Building Setbacks

Minimum building setback lines (including eaves, overhangs, and cantilevers) shall be as follows:

- | | |
|------------------|---------------------------|
| A. Estate Lots- | front property line - 40' |
| | rear property line - 30' |
| | side property line - 10' |
| | corner street side – 25' |
| B. Cluster Lots- | front property line – 40' |
| | rear property line – 20' |
| | side property line - 10' |

The ACC may permit different setback requirements as to the location and positioning of any improvement. Should spacing of an improvement require encroachment of an established setback, a variance must be submitted to and approved by Forsyth County, the evidence of such approval being included in the submittal.

4.2 Driveways

Parking spaces, garages, curb cuts, and the driveway to a garage must be planned and executed in an attractive and functional manner and should take into consideration the location of existing trees, topography, streetscape and compatibility with surrounding improvements. All homes must have a driveway of stable and permanent construction of at least twelve (12) feet in width and no closer than three (3) feet from the property line. Unless prior approval is obtained from the ACC, all driveways must be constructed of brick, concrete or stone. All driveway approaches must be concrete. When curbs are required to be broken for driveway entrances, the curb must be repaired by the Homeowner in an orderly and timely fashion in such a way as to be acceptable to the ACC.

Any enhancements to driveways, parking pads, and/or walkways, including but not limited to coating, changing the surface, staining, sealing, etc. are considered a modification that requires prior approval.

4.3 Street Front Improvements

Homeowners shall install and maintain trees, sod, and irrigation along the street frontage of the homes regardless of the size of the lot or the amount of street frontage. Sod shall be provided to the back of the curb and shall be Bermuda or Zoysia. The sodded area should be provided with an automatic underground irrigation system. Trees should be maintained/trimmed so as not to overhang or touch the home, interfere with the street, lights and/or sidewalks.

4.4 Drainage and Grading

Ditches, cuts, swales, streams, ponds, lakes mounds, dams, or hills, and any other physical improvements or elements of the landscape or terrain which control or determine the location or flow of surface water and drainage patterns may not be created, destroyed, altered or modified without the prior written consent of the ACC. Projects that involve a change of water flow or grade, while requiring a submittal to the ACC, will be reviewed for aesthetics and overall appearance considerations only. This review will not guarantee that any measures taken to address water flow to neighboring properties will relieve any current or future issues. While the ACC or Property Manager can be informed of problems that arise, it is the sole responsibility of the individual residents to resolve any problems experienced or caused by surface/drainage waters.

While developing any plan, special attention must be given to proper site surface drainage, so that surface waters will not interfere with surrounding homes and natural drainage flows. Hard surfaces (driveways, sidewalks, patios, etc.) must be designed to allow surface water to drain naturally and not to allow water to collect, stand or flow to neighboring properties.

Underground pipes used to channel water away from the home must be placed so that the resulting output of water does not flow to neighboring properties or common areas.

With respect to drainage pipes that drain toward sidewalks and/or streets, it is the responsibility of the homeowner to submit, as part of the plan, any need to tunnel through the curb and/or under sidewalks PRIOR to commencement of any drainage activity. If such is required, the homeowner must ensure that any run-off must be able to reach a nearby catch basin. A full description of the process must be submitted to ensure that water will not be able to get under the curb or travel under the road, potentially causing pavement failure.

NOTE: If not properly sealed at the point where the seal fails and water gets under the road, it will be the responsibility of the homeowner to fix any damages incurred.

Homes with “splash blocks” located at the discharge of downspouts must pay special attention to the path of the water to ensure it does not flow on to neighboring properties. If this is occurring, owner must take steps to appropriately fit downspouts with extension pipe to direct water from downspout to underground pipe(s) that will release in an area that will not damage neighboring properties, common areas or the golf course.

4.5 Swimming Pools

Any swimming pool to be constructed upon any property must be approved by the ACC. Above ground swimming pools are not permitted. Each lot will be reviewed on an individual basis. The design must incorporate, at a minimum, the following:

- A. The composition of the material must be thoroughly tested and accepted by the industry for such construction.
- B. All swimming pools must be fenced in accordance with Forsyth County regulations with self-closing gates and latches. All fences must comply with ACC standards.
- C. All attendant equipment and supplies must be retained in a locked structure.

D. Pools must not drain on neighbors' or golf course property.

E. Building setbacks for pools and decks shall be as follows:

Non-Golf Course Lots:

- 1) The swimming pool and deck around the pool shall be located at no less than fifteen (15) feet from the side property line, or the water line of the pool shall not extend beyond the side of the home, whichever is the greater dimension.
- 2) The swimming pool and deck around the pool shall be located no less than (10) feet from the rear property line.

Golf Course Lots:

- 1) The swimming pool and deck around the pool shall be located no less than fifteen (15) feet from the side property line or the water line of the pool shall not extend beyond the side of the home, whichever is the greater dimension.
- 2) The swimming pool and deck around the pool shall not encroach into the twenty (20) foot Golf Course Easement at any point along the property line adjacent to any part of the Golf Course.

- F. The preferred location for pool equipment is next to the home, with other proposed locations to be reviewed on a case by case basis. Equipment shall not create a visible or noise nuisance to other property owners and must have a separation of five (5) feet from the fence or wall to provide a non-climbable space.
- G. Property owners are required to take steps to minimize the noise created by the pool systems including but not limited to sound attenuating housings, structures, device location, and the use of "quiet" versions of such systems.
- H. Enclosures matching the exterior of the home are the preferred method for screening pool equipment. An alternative can be evergreen landscape screening, which must be planted at such a height as to totally obscure the view of the pool equipment from all adjoining homes, the golf course, or street upon installation.
- I. Homeowners must submit the completed and signed Modification Approval Form which should include the following:
- Pool location and size
 - Hardscape locations (deck, walls, boulders, etc.)
 - Fencing surrounding the pool. Fences must meet county requirements and be constructed of black wrought iron, steel or anodized aluminum
 - Equipment location and landscape plan to conceal the equipment from view of the street, golf course, and neighboring properties and abate noise.
 - Overall landscape plan for the entire area
 - Description of all materials to be used, including colors, represented by a

sample of the materials or an accurate picture depicting color, shape, texture, etc., of the materials

- Name of contractor, company doing the work
- Project start and end dates
- A copy of all required permits and variances, if required.
- A copy of either an “as built” or current legal survey of the property.

4.6 Tennis Courts

Any tennis court to be constructed upon any property must be approved by the ACC. Each lot will be reviewed on an individual basis.

- A. Fencing of tennis courts must be chain link; green, brown, black and vinyl coated and limited to ten (10) feet in height.
- B. Tennis court fencing shall not be visible from the street in front of the home.
- C. Tennis court lighting shall be designed to flood only the tennis court(s) and shall not create a nuisance to any neighbor.

4.7 Contractor Signs

No signs whatsoever shall be erected or maintained on the property before, during or after any work is done, except such signs as may be required by law.

4.7(A) Security Signage

- A. One security sign is permitted in the front of the home near the home’s foundation/entry points.
- B. One Security sign is allowed in the back of the home near the home’s foundation/entry points.
- C. Security signs should not exceed 12”-15” in height, including the post. Signs should be straight and not leaning in any direction. Any signage other than a security sign is not permitted.

4.8 Lighting

- 1) Lighting shall be limited to the minimum necessary for safety, and architectural enhancement.
- 2) Fixtures shall be limited to semi-concealed or flower/planted-bed based up-lighting or down-lighting.
- 3) Ornamental, color, and other decorative lighting shall be limited to holiday seasonally approved time frames by HOA/ACC.

4) The style and type of landscape lighting shall be warm white appearance, available in filament, halogen and newer LED (Light Emitting Diode) lamps.

(Note: First generation LED's [pre-2015], that illuminate with "blue white", "daylight" or "bright white" are not permitted viewable from the street.)

5) "Instant on" security style motion activated lights (example: Ring, ADT, etc. garage mounted lights activating when a vehicle enters your driveway) with run times under 10 minutes when triggered, are acceptable in brighter lumens and are not restricted to warm white, but must be a security style, not decorative.

6. When installing exterior lighting, downlights are prohibited on the side of homes; downlights are limited to the front door and/or atrium area in order to highlight the front entrance. All other exterior enhancement lighting for the home and/or landscaping should be uplighting.

6) ALL SOLAR LANDSCAPE LIGHTING MUST MEET THE FOLLOWING CRITERIA:

- Warm White Light appearance being technically 3000 Kelvin or less in color only – *make sure supplier verifies light output type and brightness.*

- o Minimum 375 lumens = output of 25 watt light bulb; Maximum 900 lumens = output of 60 watt light bulb

- o Long run time of 5-6 hours, even after cloudy days (example: on at 6:00pm – off by midnight)

- o Recommend on at dusk, off at daylight. (brighter lights [ex. 900 lumens] that discharge after 6-8 hours are acceptable)

4.9 Fences and Walls

The style, location and extent of any fence or wall must be submitted for approval to the ACC prior to installation. Removal of trees for installation of fencing is not allowed except on a case by case basis and only with onsite authorization by the ACC. Any tree removed without approval from the ACC will be a fine of \$500.00 per tree removed.

Fencing is not allowed to encroach into the ten (10) foot Golf Course Easement. Fencing shall not begin any closer than five (5) feet in front of the back corner of the home that is furthest from the front set back line.

A. Wood and/or chain link fencing or hand railing is not permitted.

- B. All walls, where permitted, shall be the same material and design as the adjacent building (stucco, stone, or brick) and may be adjacent to the property line.
- C. Fences of black wrought iron, steel, or black anodized aluminum are permitted. These fences must be a minimum of 6" inside the property line.
- D. The use of stone or brick piers as part of the fence design is encouraged. The fence shall be located a minimum of six inches from the property line if piers are not used. If piers are used, they shall be located a minimum of one foot from property line.
- E. Where a fence or wall is deemed to be unnecessary or unsightly and detracting from the visual value of common areas, a landscape screen in lieu of or in addition to a fence or wall may be required at the discretion of the ACC.
- F. No fence or wall over five (5) feet in height shall be permitted except for tennis courts and other special conditions as approved by the ACC. The overall height of masonry piers (including cap) shall not exceed six (6) feet. The overall height of any combination of fence, wall and piers (including cap) shall not exceed six (6) feet from grade on either side of the fence or wall. In general, fences or walls are not encouraged within St Marlo. Hedges, berms or other landscape alternatives are preferred.
- G. Invisible fencing (in ground electric fence) for pets is allowed. Training flags for invisible fences must be removed four (4) weeks after the fence installation. Any type of pet training flags must be removed after 4 weeks of being placed in the ground.

5 BUILDING CONSTRUCTION STANDARDS

5.1 Exterior Materials

All materials shall be brick, stone, stucco or wood. Additions must be constructed of the same exterior materials as primary residence – ***no exceptions will be made***

5.2 Exterior Colors

Finish colors shall be applied consistently to all sides of the buildings. Color selections shall be harmonious with each other and with natural materials and shall be compatible with colors of the natural surroundings and other adjacent properties. All exterior wood must be painted or stained. Homes next to each other shall not have the same or close similar colors. Stucco homes that are repainted will require approval even if homeowner desires to paint using the existing color.

5.3 Exterior Trim and Decoration

Exterior window and door trim and similar decorations shall all be of the same color and material, unless otherwise approved, and shall be either of the same material as exterior walls or directly compatible. Facia, gutters and downspouts shall blend in and be directly compatible with the architectural detail of the exterior walls.

5.4 Windows

All window replacements, regardless of style or material, must be submitted prior to being installed. Reflective glass, reflective film or textured/patterned film is not permitted. Any existing must be changed if window is replaced. Windows containing a sun protective tint must be submitted for approval. All window treatments visible from the exterior of the home must be white or off white. Window treatments for palladium windows located above the front entry must be submitted for review prior to installation.

5.5 Roofs

Flat roofs are not permitted on the main body of the structure; however, the ACC shall have discretion to approve such roofs on the ancillary portions of a structure. The composition of all pitched roofs is required to be architectural dimensional shingle, cedar shake shingle, slate, tile or other composition approved by the ACC. All pitched roofs must have at least 9/12 slope on the main body of the building.

5.6 Chimneys

Any exposed portion of a chimney outside of the building shall be constructed solely of brick, stone, or stucco and shall be built to grade. If the fireplace is a metal (self-insulated) type with a metal spark arrestor at the top of the chimney, this arrestor must have a cowl or surround of a material approved in advance by the ACC. All chimneys must be maintained and kept clean. Caps should be maintained and painted on a regular basis.

5.7 Garages

All residential dwellings must include a garage adequate to house a minimum of two (2) large size vehicles and must include adequate additional space for storage. The minimum space allotments for garages must be as follows:

- A. All garages on Estate Lots must be end load or courtyard entrance. Front load garages are not recommended on Estate Lots, but may be permitted on Estate Lots as determined by the ACC. ACC reserves the right to approve the aesthetic quality of garage doors before final approval is made on allowing a front load garage.
- B. Cluster lots 80' in width at building line, may have end load, courtyard and front load garages.

- C. All garages must include garage doors (which shall be a minimum width of eight (8) feet for each automobile) operated by automatic door openers. Garage doors must be constructed of a material that is similar in appearance to the exterior materials of the home, and the color of the garage door must be compatible with the color of other exterior finishes of the home. Garage doors, automatic door openers and service doors must be maintained in useful, working condition, and must be kept closed when not in use.
- D. No garage shall be converted to other usage without the substitution of another garage. No carports will be permitted.

5.8 Appurtenances

All exterior mechanical equipment including, but not limited to, vents, transformers, air conditioning compressors, pool pumps, etc., must be concealed from view by walls of the same material and color as the home or by a dense, evergreen landscaping screen with an installed height of no less than thirty-six (36) inches or 5 gallons whichever is greater. No solar heaters are allowed where visible from any street, neighboring property or the golf course. Roof vents must be on the rear of the home and are to be painted black or match the roof color.

Electric meter, electrical risers, HVAC condensing unit electrical disconnect boxes, gas meter and piping, and wall vents are to be painted to match the color of the adjacent wall surface.

5.9 Antennas

Any antenna for transmission or reception of television signals or any other form of electromagnetic radiation are not permitted to be erected, used or maintained where visible from any street, adjoining property or the golf course.

5.10 Satellite Dishes

Any satellite dish that is less than one meter (39.37 inches) in diameter is allowed in St Marlo, but must be approved by the ACC. **The ACC requires all satellite dishes to be placed at the side or rear of a home.** It may require screening, painting, camouflage and other reasonable steps to ensure the safety of the installation and minimize the visual effect on the community. Approval of satellite installation is required to avoid any potential issues that may arise, including, but not limited to, having it removed and placed elsewhere.

5.11 Window Air Conditioning Units

Window air conditioning units and window fans are not permitted.

6 LANDSCAPING AND OPEN SPACE STANDARDS

6.1 General

Any homeowner wishing to alter his homesite from the original state at build-out must do so according to plans submitted to and approved by the ACC. All shrubs, trees, grass, plantings of any kind, pine straw or other approved mulch must be kept maintained, properly cultivated and free of trash and other unsightly material.

6.2 Landscaping Plan

Any major alteration, change or modification to the initial landscape must be designed by a registered Landscape Architect or person of similar competence and must be submitted to and approved by the ACC PRIOR to installation. Submittal should include photos of existing, noting areas to be changed, and a plan/sketch with all replacement materials noted.

6.3 Trees and Shrubs

In order that the natural beauty of the property may be preserved, no living tree having a diameter of three (3) inches or more, as measured four (4) feet from the natural grade, shall be destroyed or removed from the property unless approved by the ACC. A homeowner that removes any tree from the property without prior approval from the ACC may be assessed a \$500.00 fine per tree removed. Any tree to be planted shall be subject to the approval of the ACC and must have a minimum 4" caliper

Foundation shrubs are required to screen foundations visible from the street and along the base and top of all retaining walls visible from the street and/or the golf course. Shrubs are to be a minimum of 3 gallons. Shrubs at the front of the home should consist of a mixture of 7 and 5 gallon shrubs to augment the 3-gallon material. All slopes steeper than 3:1 must be stabilized with geomat and evergreen ground cover.

Trees, including evergreens, must not be planted in locations that would immediately or in the future (1) create a nuisance, (2) seriously shade a neighboring pool or existing landscape or (3) have a root system that would now or in the future encroach on any platted storm drain easement, neighboring property or common area.

While Georgia law does not currently provide for an owner's right to a perpetual view of a golf course or common property, owners with property abutting the golf course are encouraged to consider the effect their plantings will have on the view of neighboring owners to the golf course.

All varieties of Palm trees and Palm shrubs, as well as cactus plants, are restricted to the back of the home. Palm trees in place prior to January of 2010 are grandfathered from this guideline, with the understanding that if they decline, they cannot be replaced in the front of the home.

Bamboo is a prohibited plant material within private property, due to its invasive nature. Any existing bamboo located within private property prior to January of 2010 must be restricted and maintained by the property owner to remain within the property lines. Any roots or plant invasion to neighboring properties must be

remedied immediately by the owner until such time as there is no growth on neighboring property.

6.4 Sod

All areas within each property not covered with pavement, buildings, shrubs or groundcover shall be completely sodded with Bermuda or Zoysia, unless designated as a natural area. Fescue, as well as certain types of artificial turf will be permitted at the rear of the home, in locations that are not visible from the street.

Areas larger than 3' x 3' must be landscaped with plant material or sod and not simply with pine straw or mulch. Large areas only mulched or pine strawed give an unfinished appearance.

6.5 Mulch

All areas within each property not covered with pavement, buildings, sod, or ground cover must be covered with pine straw, or mulch. It is recommended that mulch be replaced at least twice per year, and when pine straw or mulch fades to gray or becomes thin to the point of exposing underlying dirt. **Gravel, rock and stone are not considered approved mulch materials and cannot be used as such.** All mulch will be black or dark brown in color and made from natural material. Synthetic mulch, red and natural colored mulch is prohibited, due to its sharp contrast to plant material, drawing the eye to the mulch and not highlighting the plant material. This mulch deteriorates more quickly and requires refreshing more often.

6.6 Irrigation

All landscaped areas front, back and side of homes must have an underground irrigation system. Irrigation must be provided to the back of the curb of the adjacent street(s) and to the shoreline of all portions of a lake, pond, or other watercourse within the property. No hook-ups or use of lakes or ponds for irrigation will be permitted.

7 GENERAL SUBDIVISION STANDARDS

7.1 Games and Play Structures

All basketball goals and any other fixed games or play structures are subject to approval by the ACC.

All basketball goals must be installed in the ground and have clear acrylic (glass-like) backboards and, black poles. Homeowner must submit to install a basketball goal. Once basketball goals are no longer used for the sport, they are to be removed from the property. Care should be taken to install goals in an area that will not cause balls to be directed to neighboring properties. If this is not possible, goal accessories, such as rollback nets, must be

installed to reasonably prevent balls from crossing over property lines. Use of the goal will be limited to hours not to exceed 11:00 p.m. and should not disturb neighboring owners.

All fixed games and play structures, i.e., swing sets, slides, trampolines, sandboxes, etc., located behind the home must be installed within the property setbacks and not visible from the street. Such play equipment including but not limited to trampolines should be of a natural color (black, green or brown) to blend in with the natural surroundings. Landscape screening may be required in some cases, as determined by the ACC Committee. Awnings and plastic components must be of a natural color, complimentary to the natural surroundings. Tree houses or platforms of a like kind or nature must not be constructed unless approved by the ACC. Play structure or hardscape may not be placed within 5 feet of any property line.

Play structures that are no longer in use or have deteriorated must be removed. All games and play structures must be kept in good repair or be removed. Changes to the original structure must be submitted to the ACC for approval prior to commencement of change.

When not in use, all toys, play sets, bikes, skateboards, scooters, etc., must be stored or placed out of view from the street, neighboring properties, and the golf course.

7.2 Mailboxes

All mailboxes must be of common design and may only include the street number (on both sides of the mailbox) and must be located as prescribed by the United States Postal Service. The mailbox and post must be painted glossy black, the flag must be painted red, and all kept in good repair. Failure to comply may result in fines. ** The homeowner is responsible for all maintenance and repairs to the mailboxes, as necessary. The numbers must be kept clean or replaced or painted with the appropriate exterior gold paint for metal. Any damage to the structure (leaning, parts missing or in disrepair, etc.) must be repaired.

If a mailbox is damaged, in need of repair or in need of being replaced, etc., information for mailbox contractors can be obtained by calling the Property Manager at 678-475-9890.

7.3 Lawn Furnishings and Ornamentation

Front, Back and Side of Property

No ornamentation or outdoor furnishings are permitted at the front and/or side of property where visible from the street without prior approval by the ACC. This includes, but is not limited to, statues of any kind, planters/pots, birdbaths, bird feeders, frog ponds, flagpoles, lawn sculpture, artificial plants, figurines, birdhouses, rock gardens, year-round door ornamentation, etc. Standards of acceptable outdoor furnishings within high-end communities have evolved over time. Past applications that may have been approved by the Developer many years ago would no longer be allowed under our current guidelines. Therefore, do not assume that because your neighbor has something, you can too.

Holiday flags/banners are allowed only at the rear or side of a home and must be kept in good condition. The exception to this being the display of 1) flags relating to school affiliations during any given game day weekend and 2) the American Flag whose pole will need to be submitted for approval.

Any existing furnishings which were not approved must be removed and submittal filed. An exception to this would be furniture used on a temporary basis, which must be returned to its proper storage place after use for that day.

Grills, picnic tables and chairs, and/or outdoor furniture must be located in the rear yard ensuring no visibility from the street and having minimal visual impact on adjacent properties, streets or the golf course.

Back of Property Bordering Golf Course

Outdoor furnishings visible from the golf course must be kept in good condition. Ornamentation, including but not limited to, birdbaths, frog ponds, flagpoles, lawn sculpture, artificial plants, figurines, birdhouses, statues, rock gardens, year-round door ornamentation and planters/pots, must be submitted for approval to the ACC prior to being installed.

7.4 Accessory Structures

No more than one (1) detached single family home shall be erected on a property. The ACC may approve accessory structures (such as garages, gazebos, guest houses, and the like) that are detached from the main residence as long as they are not erected prior to construction of the main residence and are not intended to be held for occupancy, rent or lease.

7.5 Refuse and Storage Areas

Trash containers, yard waste bags and/or any other trash are NOT allowed in front of the home except on days when trash pickup occurs

Garbage and refuse must be placed in containers and capped and contained in such a manner that they are inaccessible to animals. Containers may be placed at the street for removal after 4:00 p.m. the day before pickup and must be returned to a concealed area by 7:00 p.m. the day of pickup.

The containers may be concealed by one of the following:

- within the garage
- behind a screening wall of material similar to and compatible with that of the building
- behind sufficient landscaping to provide a permanent screen from view of adjacent property, golf course and/or streets. These elements must be designed to integrate with the main structure and be located in an inconspicuous place.

Storage of any item, be it landscape or household related, is not permitted on any area of the property that is visible from the street, neighboring properties or the golf course. These areas would include, but not be limited to, patios, front or back porches, side of home, driveways, landscaped or natural areas at back of property, etc. Any type of storage structure or shed is strictly prohibited.

7.6 Temporary Improvements

No temporary building or structure is permitted on any property except that trailers, temporary buildings, barricades and the like which are necessary during the construction of a permanent improvement. Such structures must be approved by the ACC as to their design, appearance and location prior to their installation. They must be removed no later than fourteen (14) days after the date of completion of the buildings for which the temporary structure was intended, and will be permitted for no longer than a period of six (6) months unless an extension of time for construction is granted by the ACC.

7.7 Utility Service

No lines, wires or other devices for communications purposes, including telephones, television, data and radio signals, or for transmission of electric current or energy, may be constructed or placed on any property unless the same shall be in or by conduits or cables constructed, placed and maintained underground or concealed in, under or on buildings, or other approved improvement. Above ground electrical transformers and other equipment may be permitted if properly screened and approved by the ACC. In addition, all gas, water, sewer, oil and other pipes for gas or liquid transmission must also be placed underground or within or under buildings. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved improvements.

7.8 Storage Tanks

No storage tanks, including but not limited to those used for storage of water, gasoline, oil, propane other liquid or any gas, shall be permitted outside a building except as approved by the ACC.

7.9 Holiday Lighting and Decorations

Holiday yard displays and house lighting guidelines are as follows:

- Halloween installed no earlier than October 1 and removed by November 10th,
- the winter holiday season beginning two weeks prior to Thanksgiving and removed by January 15th
- Chinese New Year three weeks before and two weeks after
- Diwali lighting three weeks before and two weeks after
- Decorations for additional holidays and for individual celebrations including but not limited to birthdays, weddings, and religious or cultural celebrations must be submitted for approval to the ACC at least 30 days prior to the event. Any such decorations not approved by the ACC will be subject to fine as soon as they are displayed.

Season appropriate door wreaths and other seasonal decorations are permitted. No other permanent door or window decorations are permitted.

7.10 Parking

All automobiles and transportation vehicles owned or used by owners or occupants, other than temporary guests and visitors, shall be parked within garages to the extent garage space is available, or on the driveway if garage space is not available. Vehicles owned or used by owners or occupants may not be parked on the street overnight except in extraordinary situations which must be submitted and approved by the Property Manager or Director of Security prior to the overnight parking. Guest Vehicles must be parked in the driveway or garage overnight where enough room exists to park a vehicle.

Garages shall not be used for storage to the extent that they become unavailable for parking vehicles. However, a garage shall not be deemed to be used for storage if there are trash containers, bikes and outdoor play equipment, or yard maintenance equipment that are kept in not more than one of the parking spaces. It is recognized that many variables affect available parking space. These variables include size and configuration of garages which vary from 2-4 spaces, the number of occupants with cars, the number and ages of children, whether homeowners maintain their own lawn or contract for the service, and whether homeowners have a golf cart. It is also recognized that large vehicles, such as pickup trucks and some SUVs, might not fit in a garage. The ACC shall determine whether a “storage” situation exists unless the matter is brought before the Board in which case the Board shall make a final determination whether a “storage” situation exists.

A vehicle that remains on the driveway 24 hours a day/7 days a week and is not regularly used during a normal work week is considered a stored vehicle and must be kept in the garage. No vehicle may be parked in such a way as to block access to any driveway or mailbox and cannot block access to trash containers on pick up days. Vehicles are not allowed to be parked on grassy or mulched areas. Vehicles are prohibited from daily parking on the street at the same residence for more than one month without the approval from the ACC and/or Security.

Vehicles parked on the street must be parked on the same side of the street as the host homeowner and in the direction of traffic flow. All other rules for parking must be followed as well.

Vehicle covers and/or tarps are not permitted on any vehicle parked in the driveway except for extreme forecasted weather situations such as ice or hailstorms. Once the storms have passed, tarps should be removed immediately. Golf carts must be parked in the garage when not in use.

Portable storage containers, “PODS”, construction dumpsters, Port-A-Potties, etc. require written approval from the ACC PRIOR to being placed on the property.

No commercial vehicles, trailers, boats, mobile homes, recreational vehicles, or like equipment are permitted on any residential property overnight.

The following definition of parking terms will apply:

- 1) **“Overnight”** will refer to any combination of continual hours between 3 a.m. and 5 a.m.
- 2) **“Temporary”** will refer to a period of time less than 7 days per week and hours

other than those defined by the term “overnight”.

- 3) **“Guest Vehicles”** will refer to vehicles belonging to drivers who are not permanent residents of the community. This will not refer to rental vehicles used by permanent residents while their personal vehicle is not in use.

All vehicles parked on the street found in violation of the above referenced rules will be cited by Security Patrol Officers with appropriate fines to apply to the owner of the vehicle for any violation occurring after an initial warning is issued. Citations on guest vehicles will be the homeowner’s responsibility and charged to their account if not paid by the owner of the guest vehicle within 30 days.

Driveway and garage storage issues will be referred to the ACC. Those that cannot be resolved by the ACC will be forwarded with a recommendation for resolution to the Board.

8 PROPERTY MAINTENANCE STANDARDS:

8.1 Inspections

At a minimum of once per month, the ACC and/or the Property Manager, may conduct property inspections to ensure homeowners’ property is appropriately maintained to contribute to the overall appearance of the community. The standards below are an *overall example* of areas that will be monitored, which include, but are not limited to, criteria specific to individual homes.

Property non-conformance write-ups are exclusive of Common Area Maintenance/Landscape Scheduling, as this is and will always be a Board of Directors responsibility. It has no bearing and provides no excuse for any homeowner cited for non-conformance with his/her respective property. Those are contractual requirements made when the home was originally purchased.

8.2 Landscape

- A. Grass must be maintained on a regular basis to include mowing, edging, fertilizing and weed control. This maintenance is to ensure a manicured appearance commensurate with prevailing community standards. Resulting grass clippings, landscape debris or leaves must be cleared from the property and disposed in areas other than the storm drain, to prevent further maintenance of the storm drain system by the community. Disposal or blowing debris in the storm drain will result in fines against the property owner and/or landscape company. Any fine not paid by landscape company will result in denial of entry into the community.
- B. Turf edging is required during each maintenance or no less than twice per month. This is to include bed lines, curbs and wherever else appropriate to maintain a neat, manicured appearance.
- C. Weeds must be removed from all bed areas, including grass that has invaded the beds, on a regular schedule. Curbs must be maintained and kept free of weeds and

debris.

- D. All non-turf areas should be covered with black or dark brown mulch, pine straw, or ground cover sufficient to cover soil. All mulch should be refreshed at least twice per year and replaced as required to keep non-turf areas covered. Please note that red or natural colored mulch, synthetic mulch, gravel, rock and stone are not approved mulch material. All areas where trees block the natural growth of grass over time must be addressed. It is the option of the homeowner to trim the trees to prevent this, or plant shade-tolerant materials in that area.
- E. All dead shrubs must be removed promptly. Replacement with same, as needed, is required. Shrubs which have lost over 50% of their foliage must also be removed and replaced. An exception to this would be replacement of prohibited plant material, for example, Palm trees. Replacement with different plant material requires approval and must be submitted to the ACC PRIOR to commencement of the project.
- F. Removal of dead trees must be reported to the ACC PRIOR to commencement of work. The exception to this rule is if there is an immediate threat of danger to the residence, driveway or roadway. In this case, submission after-the-fact is acceptable. In either case, a plan for the area, with photos included, must be submitted to the ACC. Removal of trees requires stump removal. However, there may be some cases where stump removal could be detrimental and should not be done. In such a case, the rationale must be included in the submittal. If the stump is to remain in place, it should be left so that it is slightly below the surface of the dirt and must be covered with mulch.
- G. Lawn, trees, shrubs, etc. must be watered adequately to maintain a healthy appearance.
- H. Weed control, including pre-emergent, must be applied year-round to maintain a weed-free lawn. Fertilize turf as needed to maintain a healthy lawn.
- I. Place grass & shrub clippings in proper containers/bags at curb no earlier than 12 hours prior to scheduled pick-up times.
- J. Hoses and hose caddies of any type should be stored out of sight of the street, neighboring properties and the golf course when not in use.
- K. Lawn edging installed as a permanent addition must be submitted to and approved by the ACC prior to installation. Note that rock, plastic, and metal edging are not an approved material for the use of edging planting beds.
- L. Rock beds are not permitted to be used where erosion is an issue. Drainage systems and/or approved plant materials should be used in lieu of rocks

8.3 Home and Other Structures

- A. All hard surfaces (driveways, walkways, retaining walls, staircases, etc.) must be kept clean of mold and dirt.
- B. Sidewalk and curb cleaning is the responsibility of the HOA and will be scheduled appropriately. Homeowners can clean them at their own discretion. Homeowners are responsible for maintaining their property to prevent staining or otherwise negative effects to the sidewalk and/or curb.
- C. The homeowner is responsible to trim large trees, etc. that shade or overhang sidewalks, roadways and/or streetlights in an effort to keep them clear. Any tree limbs hanging low enough to block windows and/or the home will require trimming.
- D. All Hard Surfaces (Driveways, walkways, retaining walls, staircases, etc.) must be kept in good repair and cleaned on a regular basis.
- E. All wood surfaces should be maintained in good condition – wood rot or splitting must be repaired promptly.
- F. Painted surfaces must be kept clean of mold and dirt, and paint must be maintained in good condition – peeling or deterioration must be addressed promptly.
- G. Outdoor areas are not to be used for storage of any items. Toys are to be stored inside when not in use. This includes pool toys that are visible from the golf course and/or neighboring properties.
- H. Roofs and surrounding structures (gutters, downspouts, etc.) must be maintained in good condition and kept clean of dirt and mold and/or any type of fungus. Loose or missing shingles, gutters, downspouts, etc. must be repaired/replaced promptly.

8.4 Sale of Home / Move Out Inspections

It is incumbent upon the homeowner to notify the Property Manager of an intent to place the home for sale and as appropriate, advise of a closing date.

8.5 St Marlo Storm Drain Easements

The maintenance of the St Marlo storm drain infrastructure system is, in part, the responsibility of the Association. The Golf Course and homeowners also have responsibility for this system in the Community. Towards that end, the Association works with both Forsyth County and the Golf Course. The responsibility for keeping debris and plant/tree growth away from the drainage inlets falls on the homeowners that have platted drainage easements on their properties or who, through their builders or by themselves, tied into the system serving the

Community. The Association is granted easement rights to access, maintain, and repair the internal structure of portions of the drainage equipment. A clearance of at least a 15 feet radius will be kept undisturbed by trees, landscape material, plant material, landscape debris, etc. The owner will be held specifically responsible for damage to the equipment caused by tree roots, debris, or unauthorized connections to the system and will be billed for repair made necessary by that damage.

Protection of the storm drain infrastructure is required. Any homeowner or landscape company caught blowing landscape debris into the catch basins will be fined \$500.00. If the fee is not paid within 30 days, the landscape company will no longer be permitted access to St Marlo. Should the company refuse to pay the fine, that fine will revert to the homeowner and be charged to their Association account.

The following will ensure that all homeowners who have a storm drain easement on their property have a clear understanding of the need to keep the easements clear and accessible. For information regarding the specific property, the homeowner should contact the Property Manager.

* A storm drain easement is a legal right that is granted to the Association and its employees and agents to allow for the construction, maintenance, repair and replacement of storm drains located on private property. To that end, the Association needs clear access for periodic inspections, pipe restoration and both preventive and corrective maintenance activities (pipe cleaning, clog removal, etc.) Therefore, the easements must be kept clear for ready access and clear of vegetation. The Association has outlined the do's and don'ts for landscaping on easements as follows:

1. No trees may be planted within the storm drain easement.
2. The sub-surface is not penetrated to a depth of greater than one (1) foot below the surface.
3. Grass may be planted. If shrubs are planted, they should be maintained at a height of 18 inches or less. All homeowners must be aware that planting of vegetation within the easement is at the homeowner's risk and the Association will not be responsible for any damages that may occur within the storm drain easement as a result of their activities.
4. No structures, other than fences, may be erected. Any fences that are erected shall be of a type that could easily be removed. Stone and brick are examples of materials that are not permitted within the easement.
5. No grading (cut or fill) may be done within the easement without written approval from the Association.

8.6 Woods and Streams

Property owners, whose property crosses over into existing streams and contains wooded areas, are responsible for maintaining these areas in a neat and reasonably clean condition. Dead trees and deadfall from trees should be removed to prevent fires in dry conditions and inhibit the creation of snake habitats. Landscape debris, naturally occurring brush and branches/trunks of trees must be immediately removed from any stream bed to prevent

disruption of water flow, erosion, and the creation of an overactive mosquito breeding environment and possible spread of West Nile virus or any other mosquito borne viruses.

These owners acknowledge that, as their property line is located midstream, the stream buffer set by Forsyth County is contained within their property line and is to be strictly observed. If the need for bank stabilization arises, no disturbance can be made within the recognized buffer without the review and approval of the appropriate County representative first, then the standard review and approval by the ACC Committee, as described in this document.

8.7 Compliance Notices

Following periodic inspections, owners needing to address conditions within their property will be sent a notice, stating:

- date of inspection
- the condition that is not in compliance (violation)
- a deadline in which to either remedy the violation or communicate the date by which the violation will be remedied.

Failure to either remedy or communicate the date of remedy within the specified period provided may result in fines being imposed. Travel or other absences from the home will not be considered for exemption from this requirement.

If at any time the condition of any property is determined not to meet community standards, and the required notice and period of time to address the condition has been given to the property owner, the Board may authorize reasonable maintenance to be completed on that property in order to bring it into compliance. The expense of this maintenance will be charged to the property owner for up to 150% of the actual cost incurred as a fine. ****

Fine Structure:

1. First Notice: Letter to the homeowner giving 10 days to respond/fix the issue.
2. Second Notice: Letter to homeowner stating that this is their second notice, giving 10 additional days to fix/respond to avoid further enforcement that can include fines of \$50/day, to be billed to their St Marlo account, until the issue is resolved.
3. Third Notice: Letter to homeowner stating that this is their third notice and as of X date (date to be specified in the letter), their St Marlo account has been fined \$50 and can be billed \$50/day until the issue is resolved/closed.
4. Fines: Any fines incurred are considered to be monies due and owed to the Association. Should fines remain unpaid for 60 days, standard penalties will apply which include, but are not limited to, suspension of services provided by the Association, EZ Pass suspension, and accounts turned over to the Association Attorney

Residents owing any balance on their St Marlo Account that is more than sixty days in arrears, may not have approval for their ACC submittal until such time as the balance due is paid in full.

This excludes emergency work requiring confirmation from the ACC as to the urgency and nature of the project in question.

5. Additional Fines: For the third and beyond trash can violation or lawn maintenance violation in a calendar year, fines will be automatic. Authorized fines do not need referral to Board for approval.

8.8 Appeal

Should a homeowner wish to appeal any notice or resulting enforcement action scheduled by the Association, they must submit the dispute on the response sheet provided with each violation notice within the time period described above. This response will be reviewed by the ACC Committee and resulting decision presented to the Board.

Covenant References indicated by asterisk (*) within this document are listed below:

***Reference Article V, Section 5(b)**

****Reference Article XI, Section 23**

*****Reference Article XI, Section 14**

****** Reference Article V, Section B(2)**