

Nichols Landing Homeowners Association
Community Design Standards
Effective 07/09/17



Community Design Standards



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INTRODUCTION

The Declaration of Protective Covenants for the Nichols Landing Homeowner's Association provides for a design review process through which an Architectural Control Committee (ACC) must approve property improvements. This provision applies to both new construction as well as any exterior modification of existing homes/properties, and was created for the sole purpose of achieving harmony, balance and a high standard of quality within the community.

The following Community Design Standards (Art. 5.05) are provided to amplify and supplement our community's covenants. Homeowners are encouraged to study these standards as well as the covenants. Note that in the event of a conflict, the Declaration of Protective Covenants will control. As a final introductory comment, please remember – **REQUEST APPROVAL BEFORE BEGINNING ANY IMPROVEMENTS OR MODIFICATIONS!** The vast majority of problems occur when a homeowner begins a project without written approval from the ACC.

The contents of these standards, and any actions of the ACC or its agents, are not intended to be, and should not be construed to be, an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC, nor members thereof shall be held liable for injury, damages or loss arising out of any approval or disapproval, of construction or through such modification to a lot.

APPLICATION INFORMATION

A Modification Request Form, available on our website or from any Board member, is provided for use in requesting review/approval of an exterior modification. The form should be submitted to the Architectural Control Committee (The "ACC") **at least 30 days** prior to the anticipated time that you intend to begin work. Modification requests must be approved, in writing, before any work begins.

There are, however, modifications that may be completed without ACC approval. The following exterior modifications, **and only these modifications, do not require a Form to be submitted as long as certain conditions as described in the following Guidelines are met:**

- Repainting with same color (reference Guideline #1)
- Patios (reference Guideline #3)
- Exterior Lighting (reference Guideline #4)
- Flag Poles (reference Guideline #4)
- Garden Plots (reference Guideline #5)
- Basketball Goals (reference Guideline #6)
- Children's Wading Pools (reference Guideline #7)

A completed Form must be submitted through the ACC for all other types of improvements or modifications. **The verbal approval of any request by a neighbor, ACC member, or association representative is not sufficient.** All modification approvals must be in writing.

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GUIDELINE #1: Exterior Building Alterations

General Guidelines

A Form **must be submitted for all** exterior building alterations. Building alterations included, but are not limited to, storm doors and windows, construction of driveways, garages, carports, porches and room additions to the home.

To provide a neat, attractive and harmonious appearance throughout the Property, no awnings, shades, sheets, screens, or other items shall be attached to, hung, or used on the exterior of any window or door of a home or on the exterior of any building without the prior written consent of the Board of Directors or the Architectural Control Committee appointed by the Board of Directors. Original screens provided by the builder are acceptable. Further, no foil or other reflective material shall be used on any window for sunscreens, blinds, shades, or any other purpose. **All shades, drapery linings and other window treatments visible from the exterior of a house on any window or door shall be white or off-white.** Outside clotheslines or other outside facilities for drying or airing clothes is permitted in backyard behind fences or shielded by shrubbery.

The original architectural character or theme of any home must be consistent for all exterior components of the home. Once the character is established, whether it is traditional, contemporary, etc., no change may alter that character.

If Gwinnett County authorities make changes to the plans as approved by the ACC, the owner must submit such changes for approval to the ACC prior to commencing construction.

Homeowners are advised that a Gwinnett County building permit will be required for certain exterior building alterations.

Painting

Repainting requires prior written approval **only if the color is changed**. A paint color change requires the following information:

- a) Paint color sample.
- b) Description of area of home to be repainted.

Awnings

A form **must be submitted** for all awnings. Awnings or coverings must be either canvas or a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. Addition of awnings or coverings requires the following information:

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- a) Picture or drawing of all windows/doors on which awnings will be installed and their location (back or side – awnings are not allowed on the front of the home);
- b) Picture depicting style of awning to be installed; and
- c) Color samples and materials list.

Windows & Doors

A Form **must be submitted** for all storm windows and doors. Storm windows and doors must be made of anodized bronze or anodized aluminum with baked enamel finish compatible with the home's primary and trim colors. Addition of storm windows or doors requires the following information:

- a) Picture or drawing of all windows/doors on which storm windows/doors will be installed;
- b) Picture depicting style of storm window/door to be installed; and
- c) Color.

Broken windows and doors must be repaired or replaced, within 30 days of discovery. This includes a broken window 'seal' which can look unsightly. Rotten or broken window and door trim must also be replaced and maintained.

Detached Buildings

A Form **must be submitted** for all detached buildings. They are discouraged but will be considered subject to the following design standards:

- a) Size shall be limited to 120 square feet (10ft.x12ft.)
- b) Building may not be used for any purpose that may be deemed by the ACC to cause disorderly, unsightly, or unkempt conditions; and
- c) Detached building exterior materials must match the exterior materials and colors used on the original home (includes style and color of shingles)
- d) Must be at rear of property, within sidelines of primary home.

Dog Houses

A Form **must be submitted** for all doghouses. All dog houses must be located where they will have minimum visual impact on adjacent properties or from the street. Construction type, size, and exterior colors/materials will be specific criteria governing approval.

Chain link dog-runs and pens, and wire/string dog-runs and pens are prohibited unless concealed in a fenced rear yard.

Air Conditioners

Window air conditioners are permitted in windows of the upper floors only, preferably not on the front of the house. It is requested that they be removed during the colder months. They must be maintained in a clean and like-new condition.

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Mailboxes

Mailboxes and posts must be well maintained. All posts must be bright white with black numbers attached to the post (like the original design mailboxes). All numbers must be the same size as the original numbers. No self adhesive or reflective material may be used. Separate newspaper boxes must be mounted directly below the mailbox without an additional post.

GUIDELINE #2: Decks

A Form **must be submitted** for all decks. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings, and proposed use. The following information is required:

- a) A site plan denoting location, dimensions, materials and color;

The following guidelines have been adopted for decks in the community:

- a) In most cases, the deck may not extend past the sides of the home;
- b) Color must be natural, white, or finished to coordinate with the exterior color of home;
- c) Vertical support for wood decks must be minimum 4x6 wood post or painted (black) metal poles, preferably boxed in as to appear to be wood posts – brick or stucco columns matching the home are also acceptable.
- d) Decks must be located in the rear of the home, clear from the view of the street.

Homeowners are advised that a building permit may be required for a deck.

GUIDELINE #3: Patios/Walkways

Patios/Walkways

A Form **must be submitted** for all patio covers, trellises, permanent seating, railing and other items. Submission of a Form for a patio/walkway is not required, however, if **all** of the following guidelines are met:

- a) The patio/walkway is located in **the rear yard**;
- b) The patio/walkway does not extend beyond the sidelines of the house;
- c) The patio/walkway does not extend to within 10 feet of the side or rear property lines; and
- d) The patio/walkway's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways.

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GUIDELINE #4: Exterior Decorative Objects

The Declaration of Covenants requires ACC approval before any decorative object or item is erected or placed upon a lot. The ACC thus has authority to regulate the objects within this Guideline.

General Guidelines

If any decorative objects are placed in the front or side yards, a Form **must be submitted** for all exterior decorative objects, both natural and man-made (art. 6.18). Exterior decorative objects include items such as bird baths, bird feeders, bridges, wagon wheels, sculptures, fountains, pools, ponds, antennas, benches and porch swings, free standing poles of all types, flag poles (see below), and items attached to approved structures. Objects will be evaluated on criteria such as location on site, proportion to surroundings, color, and appropriateness to surrounding environment.

Exterior Lighting

A Form **must be submitted** for all exterior lights and lighting fixtures not included as a part of the original structures and storage buildings. They must meet the following criteria:

- a) Lighting does not exceed 12 inches in height.
- b) The number of lights does not exceed 10.
- c) Light bulbs or glass must be clear or white in color.
- d) Holiday lighting must be removed within **30 days** after the holiday.
- e) Yellow colored bug lights allowed only in the rear of property.

Flag Poles

A Form **is not** required to be submitted for a single flag pole staff attached to the front portion of a house. The size of any flag displayed may not be greater than 3 x 5 feet. Freestanding poles **will not** be approved by the ACC.

Plants and Flower Pots

Front doors and entry area decorative elements must be tasteful and in keeping with the style and colors of the house. Plants and flowerpots must always be neat and healthy. Neatly maintained front porch flowerpots that coordinate with exterior home colors and containing evergreens/flowers **do not** require submission of a Form.

GUIDELINE #5: Exterior Landscaping & Maintenance

The Declaration of Covenants authorizes the ACC to approve landscaping and authorizes the board of Directors to determine in its sole discretion whether an owner is properly maintaining the owner's lot.

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General Guidelines

Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials and features commonly seen in upscale landscaping design in the Southeastern United States. The amount and character of the landscaping must conform to the Community Design Standards.

The following maintenance guidelines apply:

1. Each homeowner is responsible for removal of debris, clippings, etc. from the property line **TO THE CENTER OF THE STREET**. All planting areas should be properly maintained at all times, and, after the first frost, all affected material should be removed or cut back. At the end of the growing season, all dead plants should be removed.
2. Each homeowner should keep the lot and all improvements thereon in good order and repair including, but not limited to, weeding, seeding, watering, mowing, pruning, and cutting of all trees and shrubbery and the painting or other appropriate care of all buildings and improvements.
3. Mulching. All landscape beds must be covered with suitable mulch such as pine straw, chopped pine bark mulch, wood mulch, etc. **Rock, stone or pebbles must be approved by the ACC.**
4. Edging. Grass level edging material may be used without prior approval (i.e. metal, plastic, or stone material that is not visible from the street and is no higher than the grass). **Other edging, if used, must be approved by the ACC.**
5. Tool Storage. Outdoor storage of garden tools and hoses must be screened from view. Any tools or items stored under a back deck or porch should also be screened from view.
6. Garbage/Trash Bins. Outdoor storage of garbage cans and trash bins must be on the side or rear of home, and screened from view, except on collection day. All waste receptacles must be returned to the side or rear of the home before 10am on the day following collection.
7. All homes in the subdivision have Bermuda grass in the front by design. The sides and back are preferred to be Bermuda but may be fescue or zoysia. Lawn must be maintained, as weed free as possible, and at an even height.

Trees and Shrubbery

A Form **must be submitted** for all trees and shrubs. Forms must include a description of the sizes and types of trees or shrubs to be planted and a site plan showing the relationship of the plantings to the house and adjacent dwellings. If original tree(s) or shrubs are removed or replaced, a form **must** be submitted.

If an existing tree or shrub dies, a new one may be replaced in the same location without approval, provided the replacement tree or shrub is the same or comparable to the one that was removed.

No trees or shrubs shall be planted in easements, right of ways or in a location that would block the sight line of vehicles entering or exiting driveways.

Removal of living native trees is strongly discouraged and must be **pre-approved**.

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Vegetable Garden Plots

A Form **is not** required for garden plots if **all** the following guidelines are met:

- a) The plot is located behind the rear line and within the sidelines of the house in the rear yard.
- b) The size of the plot is limited to 200 square feet; and only one plot per property.
- c) The maximum height of plants allowed, at full growth, is less than 4' feet.
- d) The plot may be along the side of the house, and no further than 4 feet away the house.

All garden plots must be cleared at the completion of the growing season.

Firewood and Equipment

All equipments, woodpiles, and solar equipment shall be kept screened by adequate planting or fencing so as to conceal them from view by neighboring residents and streets; and may be maintained only in the rear of any lot. It is also recommended that woodpiles not be stored against the side of the home.

GUIDELINE #6: Play Equipment

General Guidelines

A Form **must be submitted** for all play equipment. The following guidelines apply:

- a) The play equipment shall be located in the rear yard and within the extended sidelines of the house.
- b) The play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties.

Metal play equipment, exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.) will be required to be painted to blend into the surrounding environment. (earth tone colors comparable to dark green, red, or brown.)

Play Houses / Tree Houses

A form **must be submitted** for all play houses and tree houses. The following guidelines will apply:

- a) Playhouses and tree houses must be located where they will have minimal visual impact on adjacent properties.
- b) In most cases, materials used must match existing materials of the home.
- c) Playhouses or tree houses may not be larger than 100 square feet or 12 feet in total height.

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Basketball Goals

A Form **is** required to be submitted. **All** the following guidelines must be met for both permanent and/or portable basketball goals:

- a) Goal backboard is perpendicular to primary street;
- b) Self-adjusting goals are permitted.
- c) Goal will be located on the driveway, not the street;
- d) Backboard is clear Plexiglas or white in color;
- e) Post is painted black; and
- f) If freestanding or portable, one rectangular guideline surrounding the hoop is permissible.
- g) Basketball goals **will not** be mounted directly to home.

Note: Negative impact related to time of use, lighting, and noise on adjacent properties should be avoided. As with all improvements, once installed, basketball goals must be maintained in a new like condition without rust or paint chips.

GUIDELINE #7: Private Pools

Children's Portable Wading Pools

A Form **is not** required for children's portable wading pools (those that can be emptied at night) as long as they do not exceed 18 inches in depth and whose surface area does not exceed 36 square feet. When in use, portable wading pools must be in the rear of property. Portable wading pools must be stored when not in use.

Above-Ground Pools

Aboveground Pools are prohibited.

In-Ground Pools

A Form **must be submitted** for all in-ground pools. The following information is required:

- a) Appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house – some terracing may be acceptable;
- b) Privacy fencing must meet fence guidelines;
- c) Maximum pool area is 800 square feet;
- d) Glaring light sources which can be seen from neighboring lots may not be used; and
- e) Landscaping enhancement of the pool area and screening with landscaping is required.

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Hot Tubs

A Form **must be submitted** for exterior hot tubs. Hot tubs must be screened from adjacent properties and streets.

GUIDELINE #8: Fences

The original design concept of Nichols Landing promotes a feeling of open space; therefore, fencing is not generally encouraged. . However, should an owner desire to erect a fence, a Form **must be submitted** to the ACC for review and approval. A request for fencing must include the following information:

- a) Picture or drawing of fence type listing all materials being used (wood, vinyl, or aluminum).
- b) Dimensions including height, span between posts, post size, and cross beam size and number of rails;
- c) Color;
- d) A site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties;
- e) Vinyl and aluminum fences are permitted.

The following guidelines have been adopted for fences in the community:

- a) No chain link or wire fencing is to be used;
- b) The maximum height must not exceed 6 feet;
- c) The maximum span between posts shall be 10 feet;
- d) The minimum post size shall be 4x4 inches and the maximum shall not exceed 6x6 inches.
- e) The crossbeam structure (rails) shall not be visible from any street (e.g. finished sides of the fence must be turned to the outside).
- f) The rails must consist of two-2x6 inch or three 2x4 inch per section; fences less than 5 feet require only 2 rails.
- g) If the fence is wooden, stain or paint is acceptable. All colors must be approved by the ACC.
- h) Fences shall not be located closer to any street than the rear edge of the home (on corner lots, the fence shall not be closer to any side street than the building lot line); and the fence should join the home at the rear corners on both sides:

Other items to be considered include:

- The initial finish and maintenance aspects of the fence in relation to weathering and deterioration over time;

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- Homeowners must have the ability to maintain property between fences. “Alleyways” between fences are discouraged.
- Drainage – is there space between the fence and the ground in areas where water needs to pass underneath?
- Utilities – has consideration been given to provide access to electric and gas meters, and has been consideration been given to utility easements (i.e. sewer)?

Fences, traditionally, are the most frequent request received by the ACC. At the same time, fences tend to generate the most controversy between the ACC, the homeowner, and owners of adjacent property. The design standards pertaining to fences is intended to establish a standard that is appropriate to the aesthetics and values of the community.

GUIDELINE #9: Vehicles & Parking

The following covenants are set forth within Article 6.14 and 6.28 of the Declaration of Covenants:

- a) No boat, trailer, camper or recreational or any other type vehicle may be parked or stored in open view on residential property for longer than a 24-hour period. Temporary removal does not qualify as compliance.
- b) No commercial vehicles, specifically but not limited to vehicles with an after-market body, with equipment implying a primary use for commercial or trade purposes, or any vehicle displaying signage, unless approved by the Board of Directors.
- c) All vehicles parked in open view and not in a garage must be operable, registered, and may not be unsightly.
- d) Minor vehicle maintenance may be conducted outside of a garage.
- e) No vehicle may be parked in or on any yard.
- f) Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic.
- g) Parked vehicles **must not** block sidewalks for pedestrians.

GUIDELINE #10: Antennas, Satellite Dishes

This guideline applies to installation, attachment and maintenance of direct broadcast satellite (“DBS”) dishes or antennas and multi-channel, multi-point distribution services (“MMDS”) dishes or antennas (herein collectively called “Satellite Dishes”, which definition shall include the supporting mast, cabling and all other components or accessories thereof) at Nichols Landing.

Article 6.13 of the Declaration of Covenants permits the Board of Directors to pass these guidelines and regulations regarding Antennas and Satellite Dishes.

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SATELLITE DISHES MAY BE INSTALLED AT THE SUBDIVISION FOR RECEPTION, BUT NOT TRANSMISSION, IN ACCORDANCE WITH THESE GUIDELINES. NO OTHER ANTENNAS OR SIMILAR DEVICES MAY BE INSTALLED AT THE SUBDIVISION WITHOUT APPROVAL OF THE ASSOCIATION’S ACC.

Installation or attachment of any Satellite Dish is permitted at the subdivision; however, the lot owner or occupant must notify the ACC in writing. If the Satellite Dish is installed in an approved location and in accordance with these guidelines, then the lot owner or occupant, except providing the form to the ACC, requires no further action.

General Guidelines

- a) **Satellite Dish Size Limits.** Satellite dishes shall be no larger than one meter in diameter. Satellite Dishes or antennas may be mounted on masts up to twelve feet in height where necessary for reception of an acceptable quality signal and within the total size limit provided. Concealed cabling shall not count toward this total size guideline.
- b) **Location.** With submission of an approval form, and without further approval of the Board or ACC, **Satellite Dishes may be installed, in order of priority, in the following locations:**
 - i. Satellite Dishes must be mounted in or on the rear of the home within the sidelines of the home so as not to be visible from the street.
 - ii. If ground mounted, satellite dish must be screened from view by natural landscaping – no lattice. Any cables must be buried.
 - iii. Rooftop mounting of satellite dishes is allowed only on the rear of the home.
 - iv. Mounting masts to trees is allowed, however, mounting masts are limited to twelve feet.

The Satellite Dish must be placed in the location that is least visible to public view.

If it is determined that the Satellite Dish cannot receive an acceptable quality DBS or MMDS signal in any of the pre-approved locations designated above, then, prior to installation in an alternate location, the owner or occupant who wants to install a Satellite Dish must submit to the ACC a written request to install the Satellite Dish in an alternate location, along with specific, written documentation as to why the pre-approved locations are not acceptable. The ACC shall respond to such written request for approval within 21 days.

- c) **Installation.** The Satellite Dish must be painted so as to blend into the background to which it is mounted or placed. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached. No cabling shall be allowed on the roof surface, or on the surface of the exterior siding or brick of any home. No team logos or paintings will be allowed on satellite dishes.
- d) The owner or occupant shall be responsible for the maintenance and repair of the Satellite Dish including, but not limited to, (I) reattachment of Satellite Dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the Satellite Dish becomes worn, disfigured, or deteriorated.

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GUIDELINE #11: Business Use & Garage Sales

In accordance with Article 6.02 of the Declaration of Covenants, each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a Lot, or any part of the property, including business uses ancillary to a primary residential use; except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling so long as:

- a) The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the dwelling;
- b) The business activity conforms to all zoning requirements of the Property;
- c) The business activity is consistent with the residential character of the Development;
- d) The business activity does not constitute a nuisance or a hazardous or offensive use, or threaten the security or safety of other residents of the Property, as may be determined in the Board's sole discretion;
- e) The business activity does not involve visitation of the Lot by employees, clients, customers, suppliers, or other business invitees; provided, however, this provision shall not preclude delivery of materials or items by United States Postal delivery or by other customary parcel delivery services (UPS, FedEx, etc.);
- f) The business activity does not increase traffic in the Development;

The terms "business" and "trade" as used in this provision shall be construed to have their ordinary, generally-accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider's family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (I) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof. Notwithstanding the above, the leasing of structure on the Lot, and the use of a Lot by an on-site management company operating on behalf of the Association shall not be considered a trade or business within the meaning of this subparagraph.

Garage Sales

Garage Sales are not permitted except during those weekends regularly scheduled as "community -wide" events. The dates for "community-wide" garage sales are planned to occur four times a year as determined by the board.

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COVENANT ENFORCEMENT PROCEDURES

The enforcement power of the Association is set forth within the Declaration of Covenants. The Board will follow the procedures regarding enforcement.

Currently the outside company that does the yard/home maintenance inspections performs the drive by inspection once a month. Any violations that are noted by the inspector are forwarded to the ACC chairperson for review. The ACC chairperson will validate the violation list and the validated list is then given back to the inspector for them to then send out the violation. The violation process is as follows:

- 1st Violation – on a 1st violation the home owner has 30 days to correct the violation.
- 2nd Violation – if the violation is not corrected by the next inspection a 2nd violation will be sent and it states that 30 days from the date of the inspection if the violation is not corrected the HOA can authorize Heritage Property Management to begin fining the homeowner \$25.00 per week until the violation is corrected.
- The HOA board also has the right to turn the issue over to the Gwinnett County Code Enforcement for their disposition.

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SUMMARY

It is hoped that these guidelines serve their intended purpose of providing help in understanding our community standards. If you are unsure of the need to submit a form for a project not specifically referenced by these guidelines, please contact any member of the ACC for assistance.

Also, please remember that these are GUIDELINES. If you feel you have a unique situation that bears consideration, submit a request. The ACC will make every attempt to approve the request given there is neither direct violation of the covenants nor any negative impact on the community as a whole.

Please visit our website in the event you would like to contact the ACC.