

*MILL GROVE Homeowners' Association*

**COMMUNITY  
ARCHITECTURAL  
APPEARANCE GUIDELINES**

**Revised May 2020**

## INTRODUCTION

The Declaration of Protective Covenants for Mill Grove provides for a design review process through which property improvements must be approved by an Architectural Control Committee (ACC). 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.

As an administrative arm of the Board of Directors, the ACC's role is to *preserve, protect and enhance* the value of the properties in Mill Grove by enforcing the Declaration of Protective Covenants. The ACC is chartered to assist the Board and ensure uniform and equitable compliance with these covenants.

The following *Community Design Guidelines* are provided to amplify and supplement our community's covenants. **Homeowners are encouraged to study these Guidelines 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. As a general rule, if in doubt submit an application for modification or contact a member of the ACC or a Board Member.**

Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique element of the project. *Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approval. All decisions of the ACC will be final.*

*The contents of these guidelines, 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, construction or through such modification to a lot.*

## APPLICATION INFORMATION

An *Application for Modification*, hereinafter called "Form" is provided for use in requesting review/approval of an exterior modification. This form should be submitted to the ACC **at least 2 weeks** 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:

- Patios (reference Guideline #3)
- Exterior Lighting (reference Guideline #4)
- Flag Poles (reference Guideline #4)
- Garden Plots (reference Guideline #5)
- Ornamental Trees and Shrubbery (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, including, without limitation, painting the exterior of your home. **The verbal approval of any sales agent, developer, builder, or association representative is not sufficient.** All modification approvals must be in writing.

# GUIDELINE #1: Exterior Building Alterations

## General Guidelines

A Form **must be submitted for all** exterior-building alterations. Building alterations include, but are not limited to, storm doors and windows, awnings, construction of driveways, garages, porches and room additions to the home. (Carports are not permitted.)

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

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

## Painting

Your application to paint your home must specify the colors to be used on siding, trim, doors, shutters, etc., which colors must be part of the Benjamin Moore Historical Collection or the Benjamin Moore Williamsburg Collection, unless as otherwise approved by the ACC prior to submission of your application. While the colors have been created by Benjamin Moore, homeowners can have the color matched at another paint store (e.g., Sherwin Williams, Home Depot, Lowe's, etc.). You are not required to purchase paint from Benjamin Moore.

In addition to painting the siding of the house, when the home has brick sides, the homeowner may submit an application for prior written approval, to have the brick on the home painted.

ALL painting requires prior written approval and with each application submitted, the following information is required:

1. Paint sample(s),
2. Description of area(s) of home to be painted, and
3. Specific color each area of the home will be painted

The Benjamin Moore color palettes referenced herein can be found online at:

- Historical Collection: <https://www.benjaminmoore.com/en-us/color-overview/find-your-color/color-collections/hc/historical-colors>)
- Williamsburg Collection: <https://www.benjaminmoore.com/en-us/color-overview/find-your-color/color-collections/cw/williamsburg-color-collection>)

## Shutters

Shutters should be harmonious with the architecture of the existing house regarding the style, size, material and color of the shutters. Shutters must be equal or approximately equal by standard manufacturer's standards, in length to the height of the window.

No application is required for the replacement of existing approved shutters with shutters that are the same in style and color.

Removal of existing shutters without replacements requires ACC review and HOA Board approval. The permanent removal of shutters and their associated 'S' hooks must be harmonious with the elevation and façade of the home and accompanied by a change in the façade and/or color.

## Garage Doors

Garage doors are to be maintained in such a manner that their structural integrity and appearance is not compromised. Replacement garage doors must maintain the architectural harmony and historic nature of the community. A change in garage door style from that which was originally installed requires ACC approval. Painting the garage door requires ACC approval.

## Mailboxes

When modifying or changing your mailbox, homeowners must submit an application for approval of the ACC which specifies which one of the acceptable styles of mailbox you intend to erect. The following styles which can be found at Addresses of Distinction in Atlanta or online (<https://www.addressesofdistinction.com/>) are deemed acceptable by the Board:

1. Avenues
2. Charleston Estate
3. Charleston

While the mailboxes are available at Addresses of Distinction, homeowners can submit an application with a mailbox of similar style which is sold at another store. You are not required to purchase them from Addresses of Distinction. Any variation to the above styles listed requires ACC approval.

Mailboxes should be periodically cleaned and repainted. Missing numbers, flags, broken mailboxes, etc. are to be promptly repaired or replaced.

## 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:

1. picture or drawing of all windows/doors on which awnings will be installed and their location (back or side – generally, awnings are not allowed on the front of the home);
2. picture depicting style of awning to be installed; and
3. color samples and materials list.

### **Windows – Mullions and Muntins**

All street-facing windows must either (1) have mullions (vertical) and muntins (horizontal) in each window or (2) must not have any mullions and muntins in any window (i.e., “all or nothing”). A failure to have the street-facing window mullions and muntins in harmony with each other shall be considered a maintenance violation and will need to be remedied by removing all mullions and muntins or replacing the missing mullions and muntins.

### **Windows – Screens**

All street-facing windows must either (1) have matching screens in each window or (2) must not have any screens in any window (i.e., “all or nothing”). A failure to have the street-facing window screens in harmony with each other shall be considered a maintenance violation and will need to be remedied by removing all or replacing the missing screens.

### **Detached Buildings**

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

1. size shall be limited to 600 square feet;
2. the building should be located in the rear of the home with primary emphasis being that placement on the lot and the judicious use of landscaping will minimize the visual impact on adjacent properties or from the street;
3. building may not be used for any purpose that may be deemed by the ACC to cause disorderly, unsightly, or unkempt conditions; and
4. detached building exterior materials must match the exterior materials and colors used on the original home.

### **Dog Houses**

A Form **must be submitted** for all doghouses. All doghouses 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, “tethered” line dog runs, or wire pens are prohibited.

## **GUIDELINE #2: Decks and Retaining Walls**

A Form **must be submitted** for all decks and retaining walls. The following, without limitation, will be reviewed: location, size, conformity with design of the house, relationship to neighboring dwellings and proposed use. A site plan denoting location, dimensions, materials and color is required.

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

1. the deck may not extend past the sides of the home;
2. materials must be cedar, cypress, or No. 2 grade or better pressure treated of home;
3. color must be natural, white, or finished to coordinate with the exterior color of home;
4. vertical support for wood decks must meet minimum county standards for wood posts, brick or stucco columns matching the home are also acceptable.

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

The following guidelines have been adopted for retaining walls in the community:

1. all exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick or stucco to compliment the existing structure and;
2. retaining walls constructed of landscape timbers or crossties, if visible from the street, must be shielded or softened by an approved vegetative landscape method.

## **GUIDELINE #3: Patios/Walkways/Driveways/Parking Areas**

### **Patios/Walkways**

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

1. the patio/walkway is located in the rear yard; and
2. the patio/walkway does not extend beyond the sidelines of the house; and
3. the patio/walkway does not extend to within 10 feet of rear property lines; and
4. the patio/walkway's elevation above ground level at any point does not exceed 6 inches for patios and 4 inches for walkways.

## **Patios/Walkways/Driveways/Parking Areas**

Must be paved or stained with materials that are in harmony with the community and as approved by the ACC.

## **GUIDELINE #4: Exterior Decorative Objects**

### **General Guidelines**

If any decorative objects are placed in the front or side yards or visible from the street, a Form **must be submitted** for exterior decorative objects, both natural and manmade (i.e., pink flamingos, statues, etc.) Objects will be evaluated on criteria such as location, proportion, color and appropriateness to surrounding environment. Again, when in doubt – ASK!

### **Exterior Landscape, Security and Seasonal Lighting**

Except as provided below, a Form **must be submitted** for all exterior lights or lighting fixtures included as part of the original structure. A Form **is not** required if the lights meet the following criteria:

1. lighting does not exceed 12 inches in height;
2. the number of lights does not exceed 6; and
3. individual lights must not exceed 100 watts, are white or clear, non-glare type and located and aimed to cause minimal visual impact on adjacent properties and streets.

### **Seasonal Lighting**

Seasonal lighting does not require a form but should be tastefully employed. In no instance can the residence or other structure be outlined in its entirety with lights. Seasonal lighting should be disassembled within a reasonable time period after the holiday.

### **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 3X5 feet. Freestanding poles require ACC approval.

### **Plants and Flower Pots**

Front doors and entry area decorations 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 flower pots that coordinate with exterior home colors and containing evergreens/flowers **do not** require submission of a Form.



## **GUIDELINE #5: Exterior Landscaping and Maintenance**

### **General Guidelines**

Landscaping should relate to the existing terrain and natural features of the lot. ACC approval of a landscaping project is required when the activity will result in major changes to existing landscaping or when grading or contour modifications are required. **THE APPLICATION FOR ANY LANDSCAPE PROJECT MUST SPECIFY A FIRM COMPLETION DATE.**

The general appearance of each lot and the residence thereon, including landscaping, must conform to the level of upkeep that is accepted as community standard. Failure to maintain property to this standard will subject the owner to the imposition of fines and/or liens on the property. This standard includes, but is not limited to:

1. repairing and painting and other appropriate external care of all structures;
2. over seeding and restoring lawn grasses;
3. watering, fertilizing, mowing and edging lawn grasses;
4. pruning and trimming trees and shrubbery, hedges and other vegetation so that the yard presents a manicured appearance and the visibility of motorists and pedestrians is not obstructed;
5. removal of all “volunteer” or “wild” growth of weeds or non-landscape quality vegetation;
6. prompt repair of any barren lawn areas to reduce erosion potential; and
7. **renewal of pine straw or bark mulch used in islands or naturalized areas are required at least annually** - maybe sooner if the pine straw has deteriorated and the appearance of the bedding looks poor.

### **Trees and Shrubbery**

A Form **is not** required to be submitted for ornamental trees and shrubbery. However, a Form **must be submitted** for screen planting (row or cluster style) and property line plantings. Forms must include a description of the sizes and types of trees or shrubs to be planted and site plan showing the relationship of plantings to the house, adjacent dwellings and existing trees and shrubbery.

Removal of living specimen native trees is discouraged.

If trees are removed, then stumps must be removed and area landscaped. A form is not required to remove a dead or diseased tree.

Planting shrubbery is encouraged along foundations to prevent red clay from staining brick and siding. Shrubbery planted along a home’s foundation helps insulate a home in summer and winter.

## **Vegetable Garden Plots**

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

1. the plot is located behind the rear line of the house so as to minimize the visual impact on adjacent properties or from the street; and
2. the size of the plot limited to 150 square feet.

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

## **Firewood**

The following guidelines apply to the storage of firewood.

1. fire wood piles are to be maintained in good order and must generally be located within the sidelines of the house and in the rear yard; and
2. wood pile coverings are allowed only if the cover is an earth tone color and the wood pile is screened from the view of the street. For example, a tarp covered wood pile may be located under a deck with shrubs planted around it.

## **GUIDELINE #6: Play Equipment**

### **General Guidelines**

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

1. the play equipment shall be located in the rear yard and within the extended sidelines of the house;
2. the play equipment shall be sized and located such that it will have minimal visual impact on adjacent properties; and
3. trampolines shall be screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street. In most cases trampolines will require approved fencing to adequately shield from view.

Play equipment (except basketball goals) are strongly suggested to be of wood construction, environmentally and aesthetically compatible. Metal or plastic play equipment will generally require more fencing and landscaping to shield from view. It may also be required to be painted in order to blend into the surrounding environment (earth tones).

*NOTE: A (permanent) baseball backstop or similar item is not play equipment and must comply with the fence guidelines.*

## **Play Houses/Tree Houses**

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

1. play houses and tree houses must be located where they will have minimal visual impact on adjacent properties;
2. in most cases, materials used must match existing materials of the home; and
3. play houses or tree houses may not be larger than 100 square feet or 12 feet in total height.

*NOTE: Playhouses and tree houses, once approved must be maintained to preserve the approved décor.*

## **Basketball Goals**

A Form **is** required to be submitted. General guidelines are as follows and should be considered in your application:

1. goal is located toward the rear of the house with the least possible view from the street and neighbors;
2. backboard is white, beige, clear or light gray. Other colors will be considered if muted;
3. post is painted black;
4. if freestanding or portable, one rectangular guideline surrounding the hoop is permissible; and
5. may not be attached to the house.

Free standing or portable units must be stored when not in use.

*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 to the condition as originally installed.*

## **GUIDELINE #7: Private Pools**

### **Children's Portable Wading Pools**

A Form **is not** required to be submitted 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. Portable wading pools must be stored when not in use.

### **Above-Ground Pools**

Above-Ground Pools are prohibited.

### **In-Ground Pools**

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

1. appearance, height, and detailing of all retaining walls must be consistent with the architectural character of the house – some terracing may be acceptable;
2. privacy fencing must meet fence guidelines;
3. maximum pool area is 1,000 square feet;
4. glaring light sources which can be seen from neighboring lots may not be used; and
5. landscaping enhancement of the pool area and screening with landscaping is required.

### **Hot Tubs**

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

## **GUIDELINE #8: Private Tennis Courts**

Personal tennis courts are prohibited.

## **GUIDELINE #9: Fences**

The original design concept of Mill Grove 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 prior approval. A request for fencing must include the following information:

1. picture or drawing of fence type listing all materials being used;
2. dimensions including height, span between posts, post size, and crossbeam size and number of rails;
3. type of wood or wood composite.
4. a site plan denoting the location of the fence together with information as to existing fences erected on adjacent properties; and
5. acknowledgment of adjacent property owner's approval or disapproval.

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

1. no chain link or wire fencing is allowed. Only wood fencing is permitted.
2. the maximum height must not exceed 6 feet;
3. the maximum span between posts shall be 10 feet;
4. the minimum post size shall be 4X4 inches;

5. the crossbeam structure (rails) shall not be visible from any street (e.g. finished sides of the fence must be turned to the outside);
6. the rails must consist of two 2x6 inch or three 2x4 inch per section;
7. the fence must be left natural or finished with wood sealer or preservative; and
8. fences shall not be located closer to any street than the rear edge of the home (On corner lots, the application is evaluated on a case by case basis due to lot configurations and house placement. Fence approval for corner lots will require more landscaping and set back distances to avoid a “stockade” appearance).

Other items to be considered include:

- The initial finish and maintenance aspects of the fence in relation to weathering and deterioration over time;
- The ability to maintain property between fences;
- Landscaping is required to soften the view from the street;
- The minimum height requirement established by the county for a private pool fence;
- Compatibility (style and finish) of proposed fence to any existing fence on adjacent properties;
- The chosen fence style should be proportionate to the home and lot;
- 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 consideration been given to utility easements (i.e. sewer)?

Fences traditionally are the most frequent request received by Architectural Control Committees of any homeowner’s association. At the same time, fences tend to generate the most controversy between an ACC, the homeowner, and owners of adjacent property. It is the responsibility of the homeowner to maintain the appearance of the fence on both sides. Mill Grove’s fence guideline is intended to establish a standard that is appropriate to the aesthetics and values of the community.

## **GUIDELINE #10: Vehicles and Parking**

The following guidelines apply:

1. no boat, trailer, camper, recreational vehicle or similar type vehicle may be parked or stored in open view on residential property for longer than a 24 hour period;
2. no commercial vehicle or any vehicle displaying signage may be parked or stored in open view on residential property for longer than a 24-hour period;
3. all vehicles parked in open view and not in a garage must be operable and may not be unsightly;
4. no vehicle may be parked on any yard, sidewalk, or right-of-way; and

5. as a general rule, parking of vehicles on the street is prohibited. Temporary parking (four hours or less) is allowed if not a nuisance to neighbors or impediment to traffic flow. No overnight on-street parking, except as may otherwise be approved by the Board in writing, shall be permitted within the Community. 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.
6. all motor vehicles shall be parked in garages to the extent space is available. Garages shall not be used for storage or otherwise so that they become unavailable for parking cars in therein.

## **GUIDELINE #11: Antennas and Satellite Dishes**

This guideline applies to installation, attachment and maintenance of direct broadcast satellite (“DBS”) dishes or antennas and multi-channel multipoint 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) in the Mill Grove subdivision.

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

Before installation or attachment of any Satellite Dish in the subdivision, the lot owner or occupant must notify the ACC in writing using the attached Satellite Dish Notification Form. The ACC must approve the satellite dish installation location. If the Satellite Dish is installed in a pre-approved location (see below) and in accordance with these guidelines, then no further action is required by the lot owner or occupant except providing the notification form to the ACC. Ground mounted satellite dishes require ACC application.

### **General Guidelines**

1. **Satellite Dish Size Limits.** Satellite dishes shall be no larger than one meter in total size. Satellite Dishes or antennas mounted on masts are prohibited except 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.
2. **Pre-approved Locations.** With submission of a notification form as provided above, and without further approval of the Board or ACC, **Satellite Dishes may be installed, in order of priority, in the following locations:**
  - a. 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.**
  - b. Rooftop mounting of satellite dishes is allowed only on the rear of the home.

**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 of an alternate location as promptly as practical.

3. **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.

*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 Disk, 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 Disk becomes worn, disfigured or deteriorated.*

## **GUIDELINE #12: Miscellaneous Exterior Installations**

1. Clotheslines of any sort are not permitted;
2. Storage: All lawn and garden equipment, ride-on lawnmowers, portable recreation equipment, canoes, garbage cans, and wood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street;
3. Garbage: Containerized household trash and/or garbage cans and any landscape trash are to be placed at the curb no earlier than 6PM on the day prior to collection. Garbage cans are to be removed from the curb no later than 9PM on collection day;
4. Air Conditioner Units: visible from the street must be screened by an approved method (shrubbery). Window air conditioners are not approved for use;
5. Solar Energy Collector: installations must be approved by the ACC.

## **GUIDELINE #13: Business Use**

### **General Guidelines**

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...

1. The existence or operation of the business activity is not apparent or detectable by sight, sound or smell from the exterior of the dwelling;
2. 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 deliver or by other customary parcel delivery services (U.P.S., Federal Express, etc);
3. The business activity conforms to all zoning requirements for the Property;
4. The business activity does not increase traffic in the Property;
5. The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; and
6. The business activity is consistent with the residential character of the Property and 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.

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 or 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 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.



## CONVENANT ENFORCEMENT PROCEDURES

Apparent covenant violations – as reported by any source – may be submitted to the ACC to be referred for appropriate action. Should a management company be hired, they too would be a point of contact. The first action will be confirmation that a violation exists. If substantiated, the homeowner in violation will be contacted, the violation explained, and be requested to provide corrective action in a reasonable time period according to the following policy:

1. Upon recognition of a violation, a letter will be forwarded advising the homeowner of the violation, stating the steps necessary to remedy the violation and time period in which either respond (in writing) and/or remedy the violation.
2. If after “due process”, the violation cannot be resolved by the ACC, or if there is no response to the first letter, or if the violation has not been remedied within the prescribed time period, the ACC is obligated to refer the matter to the Board. A letter will be forwarded to the homeowner by authority of an officer of the Association advising a new time frame in which to complete the required corrective action and/or respond. An offer of hearing before the board will be extended.
3. As a third step, if there is still no corrective action or completed corrective action, the particular violation will be documented. Failure to comply could result in any or all of the following sanctions:
  - Suspension of the right to vote in Association matters;
  - Suspension of the right to use the recreational facilities and/or common areas;
  - Recordation of notice of covenant violation with the superior court;
  - Imposition of a fine on a per violation and/or per day basis; see schedule;
  - Correction of the violation by association with all costs charged to the homeowner; and/or,
  - Filing of a lien for all fines and costs, including but not limited to legal fees, to correct the violation.
4. As a last resort, if the action is still outstanding, then it may be necessary for the Association to file a lawsuit in order to enforce the covenants.
5. **When a determination has been established that a property is in violation of the Guidelines, and the property owner has been properly advised, that violation will remain active until it is resolved. Transfer of ownership of a**

**property WILL NOT erase an outstanding violation since a violation follows the property, not the property owner.**

**Penalties**

Any resident who is found to be in violation of the Declaration of Covenants, Conditions and Restrictions and these Architectural Guidelines, Appearance and Design Standards is subject to penalties according to the following schedule:

- |   |                                   |
|---|-----------------------------------|
| a) Failure to apply for ACC approval of a project   | Up to \$50                        |
| b) First Notice [except as provided in (a) above]<br>Including cease and desist   | Warning letter                    |
| c) Second notice of the same violation<br>[Issued when corrective action is not completed<br>within 30 days; Notification of Hearing before<br>the Board]       | Up to \$50                        |
| d) Third Notice of the same violation<br>[Issued when corrective action is not completed<br>within 15 days of Second Notice and/or<br>Hearing before the board] | Up to \$100<br>Right of Abatement |
| e) Failure to pay assessed penalty and/or costs<br>Attributed to Right of Abatement.  | Property Lien                     |

**These Architectural Guidelines, Appearance and Design Standards  
Supersede Any Previous Standards.**

## **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 call any member of the ACC or any Board Member 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.

## APPLICATION FOR MODIFICATIONS

*Note: This form must be completed and returned prior to commencing ANY work. Incomplete Forms will be returned. Documentation submitted for review becomes the property of Mill Grove Homeowners' Association.*

NAME:		DATE:	
ADDRESS:		HOME PHONE:	
CITY/STATE/ZIP:		OFFICE PHONE:	

Please provide the ACC with all the information necessary to evaluate your request thoroughly and quickly. Requests must include, without limitation, the following information: site plan (including all dimensions), color chips (if applicable), detailed description of the request, list of materials, pictures, brochures (if applicable), and any other information as specifically required below or as required by the *Community Design Guidelines* for Mill Grove.

Description of Modification Requested (attach separate sheets if necessary):

Estimated Start Date:		Estimated Completion Date:	
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Please refer to the guidelines for required information to be included with this form. Incomplete forms, including missing information will be returned without review.

**I understand and agree that no work on this request shall commence until written approval of the Mill Grove ACC has been received by me.** I represent and warrant that the requested improvements and/or modifications strictly conform to the *Community Design Guidelines* and that these changes shall be made in strict conformance to those guidelines. I understand that I am responsible with all city, county and state regulations.

Permission is hereby granted for members of the ACC and appropriate Mill Grove Homeowners Association representatives to enter the property to make reasonable observation and inspection of the requested modification and completed project.

Mill Grove Homeowners Association, the Association Board of Directors, the ACC nor their respective members, officers, successors, assigns, agents, representatives or employees shall not be liable for damages or otherwise to anyone requesting approval of any action with respect to any submission. The architectural review is directed toward review and approval of site planning, appearance and aesthetics. None of the foregoing assumes any responsibility regarding design or construction, including, without limitation, the structural integrity, mechanical or electrical design, methods of construction, or technical suitability of materials. I hereby release and covenant not to sue all of the foregoing from/for any claims or damages regarding this request or the approval or denial thereof.

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_  
(All owners must sign)

I have discussed this modification with my neighbor(s) if the proposed modification will directly impact them.

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

If Applicable:  
Neighbor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Neighbor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Please allow a maximum of 14 days for an improvement or modification review and approval decision.

**FOR ACC USE ONLY:**

Date Received \_\_\_\_\_

Approved  Denied  By (ACC Chair/Date) \_\_\_\_\_

Conditions: <input type="checkbox"/> This approval is valid until _____. If the project has not been completed by then, then the homeowner must resubmit the request.

CONDITIONAL APPROVAL: The Application for Modification will be approved within 15 days after resubmission provided that the following modifications are made. Comments:

Final Inspection Date \_\_\_\_\_

Approved  Rejected\*  By (ACC/Property Manager) \_\_\_\_\_

\* If rejected, please attach separate sheet explaining reason, corrective action required, and completion date.

# NOTIFICATION FORM FOR THE INSTALLATION OF DBS OR MMDS SATELLITE DISH OR ANTENNA

*Note: This form must be completed and returned prior to installation. Installation in a location other than one of the pre-approved locations requires ACC approval. Incomplete Forms will be returned. Documentation submitted for review becomes the property of Mill Grove Homeowners Association.*

Name:		Date:	
Address:		Home Phone:	
City/State/Zip:		Office Phone:	
		Other:	

1. Type of satellite dish or antenna to be installed:
  - DBS satellite dish 1 meter or smaller (e.g. Primestar, Dish network, Direct TV)
  - MMDS antenna (wireless cable) 1 meter or smaller (e.g. WANTV)
2. Installation will include a mast?     NO     YES, total height of system: \_\_\_\_\_ inches.
3. Installation of the satellite dish or antenna will be done by: \_\_\_\_\_
4. Does the location of the satellite dish or antenna comply with the Association's guidelines?
  - YES     NO, I am requesting approval for an alternate location.

Please describe the exact location of the satellite dish or antenna and provide a diagram or drawing of the location. **If the satellite dish or antenna is not to be installed in one of the pre-approved locations, you must provide specific, written documentation as to why the pre-approved location is not acceptable and obtain ACC approval of the proposed alternate location.**

Description of Installation Location (use other side if necessary):			
Estimated Start Date:		Completion Date:	

I acknowledge that I have read, understand and have complied or will comply at all times with the Association's current guidelines with respect to the installation of satellite dishes or antennas.

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

Homeowner's Signature \_\_\_\_\_ Date \_\_\_\_\_

(All owners must sign)

**FOR ACC USE ONLY:**

Date Received \_\_\_\_\_

Meets Guidelines       Deviation Approved       Deviation Denied

By (ACC Chair/Date) \_\_\_\_\_