

ROSE HILL FALLS COMMUNITY ASSOCIATION

III. ARCHITECTURAL & ENVIRONMENTAL PRESERVATION COMMITTEE (AEPC)

PROCEDURES AND GUIDELINES

WHEREAS, the Declaration of Covenants, Conditions and Restrictions of the Rose Hill Falls Community Association requires and authorizes the Board of Directors to create an Architectural and Environmental Preservation Committee (AEPC); and

WHEREAS, the Board of Directors has appointed the membership of an Architectural and Environmental Preservation Committee pursuant to the governing documents; and

WHEREAS, Article VII of the Declaration of Covenants, Conditions and Restrictions charges the Architectural and Environmental Preservation Committee with certain duties; and

WHEREAS, the Architectural and Environmental Preservation Committee is charged with the duty to regulate the external design and appearance of the property and improvements thereon in such a manner as to preserve and enhance property values, to ensure harmony with utility systems, and to ensure a harmonious relationship among the improvements on the lots and the natural vegetation land topography; and

WHEREAS, the Architectural and Environmental Preservation Committee is obligated to adopt procedures for the exercise of its duties and enter them in an official procedures book; and

WHEREAS, the Architectural and Environmental Preservation Committee has promulgated architectural standards and procedures as required by the Declaration of Covenants, Conditions and Restrictions;

NOW, THEREFORE, be it known that the following standards and procedures are adopted by the Architectural and Environmental Preservation Committee subject to the noted approval of the Board of Directors.

I. PROCEDURES

A. Background Information

1. The Procedures and Guidelines are provided as a supplement to the Covenants which each homeowner received at settlement. The intent of these Guidelines is to facilitate the Homeowner in obtaining approval for any alterations and/or additions which he may contemplate for his property.
2. To conform to the Covenants, each proposed alteration and/or addition must be specifically approved by the AEPC even though the improvement conforms to the Guidelines that follow.
3. The AEPC will also review proposals that do not comply with the following Guidelines on a case-by-case basis. However, Homeowners are asked to modify their properties within these Guidelines whenever possible.
4. The AEPC will consider only written requests as herein outlines. Oral requests will not be considered.
5. The AEPC will answer a request within 60 days of receipt.
6. Approval is required prior to commencing construction, so please allow enough lead time when filing your application.
7. Approval of the city, county or the Declarant does not constitute approval of the AEPC, although may be required in addition to AEPC approval.
8. All approvals must be in writing.

B. Application Procedures

1. Application forms may be obtained from Dubin & Associates, Inc., or any AEPC member. A blank form is attached hereto.
2. The completed application must be signed by the Homeowner and returned to the Rose Hill Falls Community Association, AEPC, c/o Dubin & Associates, Inc., 4701 Sangamore Road, Suite N270, Bethesda, Maryland, 20816. Acknowledgement will be sent to the applicant upon receipt.
3. The AEPC will act upon the application as quickly as possible and will notify the Homeowner of its disposition no later than 60 days after receipt. The AEPC usually acts within 30 days, so please contact the AEPC by mail to check on the progress if no reply has been received within that time.

YOU MUST ALLOW 60 DAYS FROM TIME OF SUBMISSION TO YOUR DESIRED START DATE ON YOUR APPLICATION!!

4. If a proposal is rejected, or accepted but modified by the AEPC, the applicant is free to request that the AEPC reconsider its position and you are encouraged to present additional information which might clarify the request or demonstrate its acceptability as originally submitted. The applicant may also appeal AEPC decisions to the Board of Directors if the Homeowner is not satisfied with the method by which a decision was made.

C. Architectural and Environmental Preservation Committee

The Architectural and Environmental Preservation Committee (AEPC) evaluates all submissions on the individual merits of the application. Besides evaluation of a particular design proposal, this includes consideration of the characteristics of the townhouse or single family model, individual site, and effect upon neighboring dwellings or occupants, since what may be an acceptable exterior design in one instance may not be in another.

Design decisions made by the AEPC in reviewing applications are not based on any individual's personal opinions or taste. Judgments of acceptable design are based on the following criteria which represents, in more specific terms, the general standards of the Covenants:

1. Validity of Concept. The basic idea must be sound and appropriate to its surroundings.
2. Design Compatibility. The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity between architectural style, quality of workmanship, similar use of materials, color, and construction detail.

D. Enforcement Procedures

The Covenants require the AEPC to ensure compliance by all lot owners with architectural standards. The following enforcement procedures have been adopted by the Board of Directors:

1. The sources for reporting violations will be as follows:
 - a. concerned residents
 - b. AEPC observations during the normal course of AEPC business
 - c. members of the Board of Directors or Management.
2. Violations consist of, but are not limited to:
 - a. modification completed or commenced without prior written AEPC approval;

- b. modification completed in a manner not consistent with approved plans;
 - c. modification not commenced within six months of approval; or
 - d. modification not substantially completed within six months of the date of commencement.
3. All violations will be confirmed by a site visit by the AEPC.
 4. The owner will be contacted in writing by the AEPC as soon as possible concerning a violation. In those cases involving violations which are subject to increase or enhance with the passage of time, a violation notice will be sent immediately by Certified Mail and Procedure 6 will apply.
 5. If there is no response after 15 days, a second notice will be sent by Certified Mail.
 6. After another 15 day period with no response, a notice will be sent (again by Certified Mail) informing the owner of the time and place of a hearing by the AEPC on the case.
 7. If the case is not resolved during the hearing, it may be turned over to the Board of Directors with a recommendation for legal action.
 8. The Board of Directors shall have the power and authority, acting for and on behalf of the Association, after 10 days prior written notice to the owner of the lot in violation, to take action as it deems necessary to correct such violations, including entering the offending lot and performing corrective action, **ALL AT THE COST AND EXPENSE OF THE OWNER OF THE LOT IN VIOLATION OF THE COVENANTS**. Such entry shall not constitute a trespass by the Board of Directors or its Agents.

E. Meetings

1. The AEPC shall meet periodically at a time and place designated by the AEPC. A meeting may be suspended if there is no business to address.
2. AEPC special meetings may be called by any two AEPC members after not less than three days notice to each member. A majority of the members shall constitute a quorum at any meeting.

II. SPECIFIC PROJECT REQUIREMENTS

A. General

1. Only exterior materials existing on the parent structure or compatible with the architectural design and character of the neighborhood will be approved.
2. Requests for approval to change exterior color should relate to colors of houses in the immediate areas. Exterior colors are to remain as close as possible to existing colors.

B. Decks/Fences

1. Decks must be approved by the AEPC. No roofs or screens which would form an enclosure may be added to a deck. Privacy screens attached to and extending above the deck railing will not be approved.
2. Lumber used for decks and fences must be decay resistant and similar to lumber used by the Declarant. Metal fences and decks are not permitted.
3. Any staining or alteration to the natural color of the wood must have prior approval of the AEPC.
4. Original design railings may be approved on a case-by-case basis. Horizontal railings on decks will generally not be approved.
5. Any fence constructed upon the Property shall be substantially similar in design, dimension, and material to the fences installed by the Declarant as a part of the original construction.
6. Fences shall not extend beyond the front building line of the dwelling lot upon which it is erected or the front building line of the dwellings on all immediately adjacent lots.
7. Fence extensions for end units must enclose the yard at the property line. Fencing along the side of the house may extend as far as the property line.
8. Fence extensions for interior units must enclose the back yard along the property line. Larger or smaller enclosures are not permitted.
9. No fence shall be higher than six feet along the rear property line. The fence shall form an even horizontal line with any neighboring fence.
10. Any removal or modification of fencing may only be done with the prior written approval of the AEPC.
11. Chain-link and other wire fencing is specifically prohibited.
12. Any wall above grade must have AEPC written approval.

C. Plantings – Shrubbery, Trees, Gardens

1. No vegetable gardens shall be cultivated in front yards or in other clearly visible areas except with written permission of the AEPC.

2. No Landscaping shall be done with plants or trees having a mature height in excess of eight (8) feet except with written permission of the AEPC.
3. No sound hardwood trees measuring in excess of six (6) inches in diameter, two feet above the ground, shall be removed from any lot without written permission of the Association acting through the AEPC or duly appointed subcommittee.
4. Each owner shall keep his lot and all improvements in good order and repair, including, but not limited to, the seeding, watering, and mowing of the lawn, the pruning and cutting of all trees in a manner and with such frequency as is consistent with good property management, to the extent that such exterior maintenance services are not provided by the Association.
5. The AEPC may, from time to time, adopt and promulgate such additional rules and regulations regarding lot owners' installed landscaping and preservation of trees and other natural resources and wildlife as it may consider appropriate.

D. "Accessory Dwellings" or Appurtenant Buildings

Sheds and dog houses must be compatible with applicant's house in color and material and should be located where they will be visually unobtrusive. Any structure may not rise above six feet in height at any point and not within eight feet of any boundary line of any lot. No dwelling and/or building appurtenant thereto, including, without limitation, detached garages, accessory dwellings, sheds, swimming pools or hot tubs, children's play houses, dog kennels, clotheslines, fuel tanks, garbage cans, incinerators, gardens and wood and/or compost piles shall be located within eight (8) feet of any boundary line of any lot. Above-ground swimming pools shall not be permitted at any location within the property.

E. Storage of Boats, Trailers, Recreational Vehicles or Junk Cars

1. No junk vehicle, unlicensed or inoperable motor vehicle, commercial vehicle, trailer, camper, house trailer, boat or boat trailer, bus or other similar machinery or equipment of any kind or character (except for such equipment and connection with the use and maintenance of any lot) shall be kept upon the property or a street, whether public or private, service the property, unless stored or parked within garages or other permitted structures nor (except for bona fide emergencies) shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon. No motor vehicles of any kind shall be regularly parked upon any of the roadways. These prohibitions, however, shall not be construed to prohibit pick-up trucks of the $\frac{3}{4}$ ton or smaller variety. Except when required to be open for ingress or egress, garage doors shall be kept closed. The provisions of this subsection shall apply to and bind all public streets within the Community.
2. Junk vehicles shall be deemed to be any vehicle that cannot legally be driven on public highways in the State of Maryland under current laws or regulations, or any vehicle in such a state of disrepair that it cannot practically be driven on

public roads. Any vehicle stored within Rose Hill Falls must have valid tags and inspection stickers.

3. Vehicles will not be left in a non-operable state overnight within Rose Hill Falls.

F. Fireplaces and Wood Stoves

1. All external chimneys and/or flues must have AEPC approval.
2. External chimneys and/or flues must be enclosed in brick or materials matching the exterior of the house. Flue pipes which penetrate the roof must be painted flat black.
3. One neatly stacked cord of firewood may be stored in fenced areas of rear yards located in such a manner as to minimize visual impact, no closer than eight feet to any boundary line.

G. Signs

Except for entrance signs, directional signs, traffic control signs or safety and such promotional sign or signs as may be maintained by the Declarant, no signs or advertising devices of any character shall be posted or displayed on or about any lot or dwelling; provided however, that one temporary real estate sign, not exceeding four square feet in area, may be displayed within a window if a home on any lot is placed upon the market for sale or rent. Any such temporary real estate sign shall be removed promptly following sale or rental of such lot. Additionally, one outdoor, temporary real estate sign, not exceeding four square feet in area may be displayed whenever a home for sale is held open for showing. When the house is not open for showing, the sign shall be removed.

H. Trash

1. Trash cans must be stored out of sight.
2. Trash cans may be placed on the curb no earlier than sundown the night before pick-up and must be removed from the curb not later than 15 hours following collection.
3. No accumulation or storage of litter, new or used building materials, or trash of any kind shall be stored on any lot.

I. Recreation and Play Equipment

1. Recreation equipment should be placed in rear yards. Consideration should be given to lot size, equipment size and design, amount of visual screening, etc. Equipment placed the backyard shall not be located within eight feet of any boundary line of any lot.
2. Moveable play equipment may not be stored in front of homes overnight.

J. Miscellaneous

1. Storm or screen doors will have full-length windows and will be white or must be painted the same color as entry doors or trim.
2. Repainting or staining a specific object to match its original color need not be submitted for approval. Color changes apply not only to house siding, but also to shutters, trim, roofing, and other appurtenant structures. Changes of exterior color should be related to colors of house in the immediate areas.
3. Approval will be required for all natural and man-made exterior decorative objects introduced into the landscape. Exterior decorative objects include, but are not limited to, such representative items as birdbaths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, free-standing poles of all types, and items attached to approved structures such as kickplates and door knockers.
4. Exterior lighting shall not be directed in such a manner as to create an annoyance to neighbors or motorists and must be harmonious with the surroundings and will not cause a concentrated beam outside the boundaries of any lot.
5. All outdoor cooking equipment must be stored in back yards.
6. No poles or wires for transmission of electricity, telephone and the like shall be placed or maintained above the surface or the ground on any lot.
7. No outside television aerial or radio antenna, or other aerial antenna for either reception or transmission which projects more than five feet above the roof ridge line, shall be maintained upon the property.
8. The exterior of all structures, including walls, doors, windows, roofs, and the painting or other appropriate external care shall be maintained in a manner and with such frequency as is consistent with good property management.

IMPORTANT NOTE!!

The Architectural and Environmental Preservation Committee is designed to satisfy the needs of the neighborhood. If a Homeowner modifies his property in a manner which detracts from the attractiveness or value of surrounding units, neighbors are encouraged to write the AEPC for immediate review and possible action. In addition, if a modification is rejected by the AEPC due to impact on neighboring properties and the neighbors collectively approve the change, please write the AEPC expressing your approval. In a neighborhood such as ours, communication is essential.

These Guidelines are subject to periodic review by the AEPC and Board of Directors. Owners will be advised in writing of any changes.

These Procedures and Guidelines were adopted by the Architectural and Environmental Preservation Committee this _____ day of _____, 19__.

Architectural and Environmental
Preservation Committee

By: _____
Chairman

WITNESS: _____
_____ (Title)

These Procedures and Guidelines proposed by the Architectural and Environmental Preservation Committee are hereby approved and confirmed by the Board of Directors of Rose Hill Falls Community Association.

BOARD OF DIRECTORS
ROSE HILL FALLS
COMMUNITY ASSOCIATION

By: _____
President

ATTEST: _____
Secretary

ROSE HILL FALLS COMMUNITY ASSOCIATION

ARCHITECTURAL AND ENVIRONMENTAL PRESERVATION COMMITTEE APPLICATION

- Applications, drawings, plats, pictures, etc., must be submitted in duplicate. Upon Architectural and Environmental Preservation Committee action, one copy of all materials submitted will be returned to the applicant.
- Drawings must be to scale.
- Provide all dimensions, including height, roof slope, etc., on new construction.
- Certified plats will be required for new construction, including additions to a present structure, new structures on the lot, fences, etc. Area of proposed construction must be indicated on the plat. Plats are not required for paint changes, storm windows, or other such modifications.
- Provide a list of all materials to be used in the proposed construction.
- Present color or any proposed colors must be indicated. Applications for colors which are not the original colors must be accompanied by actual color samples, not photographs of colors.
- Changes in grade or other conditions that will affect drainage must be indicated. Applications may be disapproved if adjoining properties are adversely affected by drainage changes.
- Concurrence of adjoining lot owner may be sought by the Architectural and Environmental Preservation Committee under certain circumstances.

ROSE HILL FALLS COMMUNITY ASSOCIATION

APPLICATION FOR EXTERIOR MODIFICATIONS

All applications, drawings, etc., must be submitted in duplicate. Instructions are on the previous page. For complete information on the Architectural and Environmental Preservation Review Committee, please refer to the Declaration of Covenants, Conditions and Restrictions.

NAME: _____ DATE: _____

ADDRESS: _____

HOUSE MODEL: _____

TELEPHONE: HOME: _____ WORK: _____

DESCRIPTION OF PROPOSED IMPROVEMENT: _____

ESTIMATED STARTING DATE: _____

ESTIMATED COMPLETION DATE: _____

I agree to comply with the Declaration of Covenants, Conditions and Restrictions, and local building codes in making the above improvements. Permission is hereby granted for members of the Architectural and Environmental Preservation Committee and appropriate Rose Hill Falls Community Association Agents to enter on my property to make reasonable inspections of requested improvement locations(s).

Owner's Signature

* * * * *

DO NOT WRITE BELOW THIS LINE – AEPC USE ONLY!

DATE RECEIVED: _____ RECEIVED BY: _____

AEPC REMARKS: _____

AEPC ACTION: _____