

**April 7, 2021**

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**POTOMAC FARMS  
HOMEOWNERS ASSOCIATION, INC.**

**ARCHITECTURAL GUIDELINES AND REVIEW PROCEDURES**

**1998**

**WHEREAS**, Article VIII, of the Declaration of Covenants, Conditions and Restrictions (Declaration) for the Potomac Farms Homeowners Association, Inc. (PFHOA or Association) establishes that the Board of Directors review and approve, in writing, requests for alterations to all changes, alterations of exterior additions upon the Property, and

**WHEREAS**, Article VIII, of the Declaration for the Association establishes that, in the alternative, the Board of Directors may appoint an "Architectural and Environmental Review Committee" to perform such duties, and

**WHEREAS**, the Board of Directors wishes to establish an Architectural and Environmental Control Committee (AERC or Committee) and procedures for its operation and for obtaining AERC approval and establish rules as to what the AERC will find acceptable or unacceptable;

**NOW THEREFORE, BE IT RESOLVED THAT** the following rules and procedures be adopted:

**I. SCOPE OF THE AERC AND APPLICATION PROCEDURES.**

**A. Scope of the AERC**

The purpose of the AERC is to regulate the external design, appearance, use, location, and maintenance of PFHOA and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. The AERC relies on the appropriate County authorities to regulate the soundness of the construction and takes no responsibility in this regard.

**B. Operation of the Committee**

1. The Board of Directors will appoint an AERC comprised of three or more homeowners of the Association as designated from time to time by the Board of Directors and one member of the Board who will be a non-voting AERC member. All AERC members will serve at the pleasure of the Board.

2. The members of the AERC will choose a committee chairman or co-chairmen from among the voting AERC members.

3. If fewer than three homeowners are willing to serve on the AERC, the Board will perform all functions and duties of the AERC.
4. A quorum of three voting AERC members must be present at an AERC meeting for business to be conducted.
5. The unanimous vote of the voting AERC members present at any meeting at which a quorum is present is required to make any affirmative decision pursuant to the authority contained in this resolution. Any vote that is affirmative by majority but not unanimous shall be considered as "unapproved" and the homeowner notified. Such application shall be automatically referred to the Board for final consideration. A simple majority shall be adequate for disapproval at all times.
6. Approval of past alterations shall not, by itself, justify approval of the same or similar alterations in other locations. Approved alterations that are subsequently determined by the Board to create a nuisance or annoyance or to create an unsafe condition shall be required to be removed at the expense of the property owners on whose lot it is situated.
7. A member of the AERC will be removed from the committee if at any time the members' monthly assessment remains unpaid for more than 30 days or for any violation of the Covenants and/or rules and regulations of PFHOA.
8. An AERC member may be removed from the committee by the affirmative vote of a majority of the remaining committee members for failure to attend three (3) consecutive committee meetings or failure to attend four (4) committee meetings during any twelve (12) month period.
9. The AERC will meet as necessary to meet the 60-day deadline established by the existing Declaration of Covenants.

### C. Application Process

1. In accordance with Article V of the Declaration for PFHOA, "No building, fence, wall or other structure shall be commenced, erected, placed, moved or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography and conformity with the design concept for the community of "Potomac Farms" by the Board of Directors of the Association..."
2. Every Lot owner shall submit an "Application for Architectural Change" for any exterior addition to or change or alteration to any Lot or structure. Such application shall include the following:
  - a. Details of the complete plans and specifications of the project, including the height, width, length, size, shape, color (sample if possible), materials, and location of the proposed improvement. An elevation view of the proposed change should also be included. Photographs of similar completed projects for comparative purposes would be helpful.

- b. A Site Plan Map, Plat Map or scale drawing of the property is also required. This map should show the exact dimensions of the property and ALL improvements including those covered by the application. This site plan, also known as a HOUSE LOCATION SURVEY, should have been provided by the seller at the time you purchased your home.
  - c. Applications can be obtained only from the management agent. Completed applications are to be submitted directly to the management agent.
    - 1) The blank application may be photocopied without alteration to its contents. No modified versions will be accepted by the Committee.
    - 2) Instructions for completion are on the application with information about when and where meetings are to take place. See the attachment for a sample copy of application.
  - d. Generally, committee meetings will be held the first Tuesday of each month.
  - e. All applications must be in writing.
  - f. Applications will be either approved or disapproved by the Committee within sixty (60) days following receipt of a completed application. If approved, all work must be started within six (6) months and completed within one year from the start of work. Applicants are encouraged to complete the work as soon as possible. During construction, the work site must be maintained in a neat and workman-like manner, and not external beyond the boundaries of the individual lot.
3. If a proposal is rejected, the reason(s) for the disapproval shall be stated as part of the written decision. The applicant may request reconsideration if new or additional information that might clarify the request or demonstrate its acceptability can be provided. The Applicant may pursue an appeal to the Board of Directors in accordance with Section VII of these Rules and Procedures.
4. Minor changes or associated conditions to a proposal deemed necessary by the Committee at the time of approval, to bring the proposal into technical compliance with these rules, will be specified by the Committee at the time of approval and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the Committee, the application shall be considered disapproved and will have to be resubmitted for reconsideration at a subsequent meeting of the Committee.

## II. Architectural Guidelines

### A. Building Alterations and Additions.

1. General.
  - a) Any exterior alteration must have the approval of the Committee before any work is begun.

- b) Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building and community.
- 2. Painting.
  - a) Exterior color or tint changes shall be in harmony with the other homes in the community. Any change in color requires Committee approval. Color samples are required as part of the application process.
  - b) Repainting a structure the existing color does not require Committee approval. To match existing color, most paint stores provide computer matches if you provide a chip sample from the existing material.

B. Fences and Walls

- 1. All styles and types of fences will be considered by the Committee; however, ALL fences require the written approval of the Committee.
- 2. Split Rail fencing (two or three rails) with optional wire mesh, on the inside of the fence, is permitted for property separation. Other types of fences will be considered. The top of the posts cannot exceed a height of six (6) feet. However, the height of the top rail must be consistent with any pre-existing fences immediately adjacent to the property. Various types of privacy fencing will be considered by the Committee.
- 3. Fencing can be placed on shared property lines, with neighbor's written consent. Maintenance of the fence is the joint responsibility of both homeowners.
- 4. No fence will be approved if its installation will obstruct sight lines of vehicular traffic. An approved fence that is subsequently found to obstruct sight lines of vehicular traffic shall be removed or moved by the owner at his own expense.
- 5. Fencing will not be permitted to extend along the street boundary of any lot.
- 6. No fencing will be constructed by homeowners on common area property.
- 7. Hedges planted for the purposes of creating a hedge fence along the homeowner's property line require approval from the Committee as if it were a regular fence.
- 8. Chain link or metal fences are prohibited.
- 9. If only one side of a fence has finished materials, this side must face out towards the community.

C. Decks/Patios

- 1. In addition to the AERC rules, all decks and patios must comply with County specifications.
- 2. Decks must be constructed of weather resistant materials (i.e. pressure treated timber, red wood or western red cedar).
- 3. Replacement of an existing deck or patio requires Committee approval.

4. Decks may be stained and/or painted provided that the color(s) conform to the color scheme for the main house.

D. Landscaping and Plantings

1. The Committee encourages planting of flowers, trees, and shrubbery provided they are properly maintained by the owner. Such landscaping does not require Committee approval. Hedge fences must be approved by the Committee. See Section B.7.
2. Landscaping projects that alter the lot topography and drainage patterns must have Committee approval.
3. All retaining walls must be made of either natural stone, masonry or pressure treated wood and must be approved.
4. Vegetable gardens must be located between the front line of the house and the rear property line and may not exceed in size more than 1/4 of this area.
5. No structure, planting or other materials shall be placed or permitted to remain in the easement that interferes with the installation and maintenance of utilities.
6. At no time will approved or unapproved landscaping be allowed to become unkempt or uncultivated in appearance.

E. Exterior Antennas

1. Over-the-Air Reception Devices (TV Antennas).

No outside antennae will be permitted. All antennae must be placed inside the owner's home.

2. Satellite and MMDS dishes under one (1) meter in size (dishes).

- a. In addition to the AERC guidelines, all dishes must comply with all federal, state and local specifications and ordinances.
- b. All dishes must be placed on the rear portion of the roof or at ground level provided it is located below the fence line on any enclosed rear yard.
- c. The dish may not be placed within three feet (3') of any edge or the peak of the roof.
- d. The dish must be black or gray. No other colors will be accepted.
- e. Wiring must be underground or must immediately enter the home. No wire may be visible anywhere on the outside of the home.

F. Swimming Pools

Temporary child wading pools not exceeding twenty-four inches (24") in depth are permitted provided the pool remains beyond the rear-most wall of the dwelling unit. No other above ground pool shall be permitted.

G. Flower Boxes (on exterior of dwelling unit)

1. Flower boxes on the window sills of the ground level of a dwelling unit are permitted. The color must be the same as the house trim.
2. Flower boxes are permitted on decks and patios. No AERC approval is necessary.

H. Storm Doors

1. Full view storm doors whose frame color matches either the front door or door trim need no approval.
2. All other types and colors of storm or screen doors require prior written approval of the Committee.

I. Doors, Siding and Windows

1. Repaired or replaced doors, siding or window frames must match the style and color of the existing siding or window frames.
2. The Committee will consider applications for vinyl, aluminum or other artificial siding provided, that the existing style and design are maintained.
3. New doors or windows must be approved if any change from the items being replaced is involved.

J. Sheds

Sheds are not permitted.

K. Chimneys

Chimneys must be made of masonry or enclosed in the same material as the exterior of the home.

L. Playground Equipment

1. No play equipment of temporary or portable nature shall be stored in the front yard or driveway of any home. As used in this paragraph, "stored" shall mean overnight or when not in use for a period of more than twelve (12) hours.
2. Committee approval is required for the installation of playground equipment that is closer than five feet (5') to property line.
3. Playground equipment may be installed in the backyard only with prior written approval that will be based on consideration of equipment size, design, and visual screening.
4. Equipment constructed of wood is encouraged.
5. A permit single basketball hoop is generally permitted provided it is no closer to the curb than half the length of the driveway and is not provided with any form of lighting for night use. All basketball hoops must have prior written approval.

6. No skateboard ramps are permitted on any lot.

M. Hot Tubs and Spas

Hot tubs are permitted, but require the prior written approval of the Committee.

N. Firewood

Firewood must be stored in accordance with County guidelines and may not be stored in the front of the home, on common property or outside of the fence.

O. Exterior Decorative Objects

Approval is required for all man-made exterior decorative objects that are visible from the street. Exterior decorative objects includes, but are not limited to, such items as bird baths, wagon wheels, sculptures, fountains, pools, freestanding poles of all types, windmills, and items attached to approved structures.

P. Exterior Lighting

No exterior lighting shall be directed outside the applicant's property. Lighting which is part of the original structure must not be altered without Committee approval. Applications for exterior lighting should include wattage, height of light fixture above the ground and a complete description, including material and location for the fixture on the property. Holiday lighting is permitted between December 1<sup>st</sup> and January 31<sup>st</sup> and does not require Committee approval.

Q. House Numbering

House numbers must be a minimum of 6" in height to comply with County regulations and should be visible from the street. Approval from the Committee is required as to style and color.

R. Flagpoles

Homeowners wishing temporary flagpole staffs which do not exceed six feet (6') in length and which are attached at an incline on the front wall or pillar of the home need not have Committee approval. Freestanding flagpoles shall not be permitted on individual lots.

S. Permanent Grills

1. Permanent gas grills must be placed in the rear of the house and conform with Montgomery County law. Committee approval is required.
2. Barbecue pits must have Committee approval. They are permitted in rear yards only and cannot exceed a height of five feet (5').

T. Attic Ventilators

Attic ventilators and turbines must match the siding or trim of the house if mounted on a gable end. Ventilators mounted on the roof should be in harmony with the existing units in the community. All roof-mounted ventilators must be installed on the rear portion of the roof. No Committee approval is required.

**U. Sidewalks, Pathways and Other Pavement**

New sidewalks, pathways and other pavement require Committee approval.

**V. Gutters and Downspouts**

1. Gutters and downspouts must be consistent with the overall color scheme of the home.
2. Repaired or replaced gutters and downspouts must be the same as the existing gutters and downspouts. Any additional installations of gutters, downspouts or changes in color require Committee approval.

**W. Mailboxes**

Mailboxes and mailbox posts should be well maintained and kept in good repair. They should be located so as to not obstruct sidewalks or sight lines and must be in accordance with postal regulations. Replacement does not require Committee approval. Deviation from neutral colors or materials or from conformity with the colors and materials of the dwelling unit require Committee approval.

**X. Trash cans**

1. All trash must be placed in trash cans or vermin proof containers.
2. Trash cans should be stored out of sight, and trash should not be placed at the curb prior to the evening before trash day. Trash cans should be removed from the curb promptly.

**Y. Real Estate Sales/Rent Signs**

1. Real estate signs must meet County regulations with respect to size, content and removal.
2. Only one (1) sign is allowed per home. All signs must be placed on or within the owner's property and shall not exceed four (4) square feet.

**Z. Compost Piles**

Compost piles must be constructed of a wood outside frame with wire or block interior. These piles must have a screen planting plan submitted with each application. Compost piles should not exceed 3 ft in height or cover more than 50 square feet. They must be located in the rear of the home at least 5 ft from the property line and they must be properly maintained (including periodic turning and straw coverage). Failure to maintain a satisfactory compost pile and/or a determination by the Committee that the compost has become a public nuisance shall be considered an abandonment of the compost pile and violation of the rules.

#### AA. Mowing

Turf areas need to be mowed at regular intervals, maintaining a maximum height of five inches (5"). Homeowners are required to take all reasonable measures to maintain a healthy, green lawn.

#### AB. (BB) Clothes Drying Equipment

Per Article VI, Section 3 of the Declaration for PFHOA, no clotheslines or other exterior clothes drying apparatus shall be permitted.

### III. Local Building, Work Permits and Architectural Soundness

- A. Committee approval is required prior to applying for any State or County permit(s).
- B. Approval of any project by the Association does not waive the necessity of obtaining the required local permits.
- C. Obtaining the County or State permit(s) does not waive the need for Association approval.
- D. The Committee will not knowingly approve a project that is in violation of the local building or zoning codes or in violation of the Covenants & Restrictions of record.
- E. The purpose of the Committee is to regulate the external design, appearance, use, location, and maintenance of PFHOA and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. It is not to approve the architectural soundness of the proposed change. The Committee relies on the appropriate County authorities to regulate the soundness of construction and takes no responsibility in this regard.

### IV. Maintenance of Property

Each homeowner is responsible for the maintenance of all structures and landscaping located on his property to include such items as decks, fences, storage areas, gardens, shrubbery, and trees. The following are examples of basic maintenance violations:

- A. Peeling paint on home, garage or other structure.
- B. Broken fences or missing sections.
- C. Decks in disrepair.
- D. Playground equipment in disrepair.
- E. Broken window(s) or door(s).
- F. Rain spouts in disrepair or in need of painting.
- G. Shutters in disrepair, in need of painting, or missing.
- H. Missing house numbers.

- I. Sidewalks, driveways or other pavement in disrepair.
- J. Piles of grass, leaves, shrubbery, clippings, and tree branches.
- K. Gardens or shrubbery that has been neglected or has died.

## V. Inspection

- A. The Committee may conduct a walking survey of the community once a year for compliance with architectural standards as stated in the PFHOA Covenants and Restrictions and these Rules. When feasible, a Board member or other Board-designated member of PFHOA will accompany the Committee on their inspection. Alternatively, a professional inspector may be employed at the discretion of the Board of Directors.
- B. The Committee Chairman will make a periodic motorized survey of the community for compliance.
- C. Upon completion of an approved architectural change, the Committee shall inspect a property that has undergone improvements and shall notify the owner, in writing, of any inconsistency with the plan approved by the Committee.

## VI. Violations and Enforcement

- A. All reports of alleged violations must be submitted in writing to the Management Company.
- B. Upon receipt of the written complaint, the AERC members shall execute the following procedures:
  - 1. The Chairman will appoint one member to investigate the allegation. If no violation is discovered, the complainant will be informed, in writing, by the Committee. If there is a violation, the Committee will take the necessary action.
  - 2. In all cases, the name of the alleged violator will be kept confidential until the violation has been established.
  - 3. The name of the complainant shall be kept confidential, if possible.
  - 4. Upon confirmation of the violation, the Committee shall notify the violator in writing that the violation must be corrected within thirty (30) days. If not corrected, a second notice shall be sent giving the violator fifteen (15) days to correct the problem(s). The homeowner in violation may request a time extension for extenuating circumstances upon receipt of the first notice. If the violator does not correct the violation within the time allowed and does not submit just cause for non-compliance, the problem will be referred to the Board of Directors for appropriate action as provided for in the Declaration of Covenants and Restrictions for PFHOA.

## VII. Appeals to the Board of Directors

- A. In accordance with Article VI, Section 8 of the Declaration of Covenants and Restrictions for PFHOA, "Any Homeowner aggrieved by a decision of the Architectural Control Committee shall have the right to appeal that decision to the Board of Directors, provided, however, that the Owner, other than the applicant, who failed to register his objections with the AERC, either in writing prior to, or by appearance at, the hearing, shall be deemed to have waived the right of appeal. The Board of

Directors may reverse or modify the decision of the AERC by a majority of those Directors present and voting."

- B. No work covered by an application shall be performed until any and all appeals have been heard by the Board and a decision rendered.
- C. In case of an appeal to the Board of Directors, all persons with a properly registered objection to the original application will be notified of the appeal by the Board in writing ten (10) days prior to the Board hearing the appeal.

#### VIII. Existing Alterations Which Do Not Conform To These Rules

- A. Existing alteration, structures, objects, etc. which do not conform to these guidelines, but were properly approved by the Committee under old architectural rules, do not have to be removed or altered and are not considered to be in violation of these current rules.
- B. Existing alterations, structures, objects, etc., which are in violation of these rules, and have not been approved by the Committee under old rules, are considered to be in violation of these rules and are subject to the provisions of Section VI.

#### IX. Liability and Indemnification

All duly appointed officers and members of the AERC are protected from legal action against them, as accorded Board of Directors and Officers as set forth in the By-Laws, Article VII, Section I, of the PFHOA Covenants.

#### X. Amendment

These guidelines may be amended from time to time in accordance with the Declaration and By-Laws for the Association and/or applicable laws.