



Waterford Place

Architectural & Environmental Control Guidelines



Waterford Place Homeowners Association, Inc. (WPHOA)
Germantown, Maryland ♦ Montgomery County
(www.waterfordplacehoa.org)

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1. INTRODUCTION

These Architectural and Environmental Control Guidelines (**Guidelines**) are a supplement to the Waterford Place Homeowners Association, Inc.'s (**WPHOA**) Declaration of Covenants, Conditions, and Restrictions (**Covenants**) and By-Laws. The Guidelines reflect the goals of the governing documents of the Waterford Place community, the Waterford Place Homeowners Association Board of Directors (**Board**), and the Architectural & Environmental Review Committee (**AERC or Committee**).

This document will also (1) assist homeowners in preparing an application to the AERC, (2) increase residents' awareness and understanding of the Covenants, and (3) maintain a proper uniform and architecturally sound appearance for the Waterford Place community so that investment of all homeowners will be maintained.

ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) for exterior alterations, modifications, and improvements, which were approved by the Board/AERC before the adoption of these Guidelines, are not subject to the Guidelines until the exterior item is changed or replaced after these Guidelines are adopted.

Your failure to submit an AECR application and receive approval before making any exterior physical addition, change, improvement, installation, modification, and/or removal to your Dwelling Unit /Lot/property is a violation of the Covenants, except as listed in these Guidelines. All violations of the Covenants are subject to enforcement, which may include fines, penalties, and reimbursement of WPHOA's costs, as detailed in the Waterford Place Homeowners Association, Inc. Covenants (effective February 22, 1991), By-Laws, and Architectural & Environmental Control Guidelines - Enforcement Procedure documents. You may be required to restore your lot/property or improvement to your lot/property to its original condition at your cost and expense.

If you make any change, as described above, without submitting an AECR application and receiving prior approval, the Board may appoint someone to enter your Lot/property to restore your property to its original condition. You may be required to reimburse WPHOA for the cost of returning your property to its original condition. [Source: *Covenants, Article VII, Section 13, and Article XII, Section 4*]

The rules and requirements within these Guidelines apply to your Dwelling Unit and entire Lot/property and the exterior areas, including the front, the side (end units), the back, the yards, and the fenced-in areas.

The AERC/Board will review all ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUESTS that are not specifically addressed within these Guidelines in accordance with the general criteria set forth in the Covenants and these Guidelines.

1.1 Purpose

The purpose of the Guidelines is to:

- 1) Provide homeowners with an appropriate reference and guidance for planning an exterior physical change to their Lot/property and preparing AECR applications;
- 2) Increase each homeowner's awareness and understanding of and adherence to the Covenants and By-Laws;
- 3) Describe the Waterford Place Homeowners Association's process and procedures involved with the Covenants' architectural standards;
- 4) Illustrate design standards that will help homeowners develop exterior improvements in harmony with the Waterford Place community and help protect the environment and property values; and
- 5) Promote a pleasing community atmosphere.

Homeowners must review this document completely before submitting an ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) Application Form, since AECR requirements are distributed throughout these Guidelines.

1.2 Objectives

The objectives of these Guidelines are to:

- 1) Clearly define the exterior physical changes (**Projects**) requiring an AERC/Board approval before changes are made;

- 2) Identify exterior physical changes not requiring an AECR application, but that may affect the aesthetics of the community;
- 3) Assist homeowners in preparing an AECR application form;
- 4) List prohibited exterior physical changes or modifications; and
- 5) Provide the members of the AERC/Board with clear guidelines for the review of AECR applications.

1.3 Scope

1.3.1 Covenants

Homeowners should familiarize themselves with the Covenants and Guidelines.

The Covenants and By-Laws are the primary governing document of WPHOA. Each Waterford Place homeowner should have received a copy of the Covenants and By-Laws before settlement. However, all too frequently, the Covenants and By-Laws are not read by the homeowner. Since these Covenants "run with the land," they are binding on all homeowners, whether the Covenants have been read or not. "Running with the land" means that whenever a property is transferred, the Covenants remain effective unless changed or revoked by specific legal action. Therefore, the Covenants should be fully understood and periodically reviewed by each homeowner.

The Covenants for WPHOA is a legal document dated February 22, 1991, and recorded in the land records of Montgomery County, Maryland, at Liber 723 folio 82, that governs and protects all residential properties within the jurisdiction of Waterford Place (see Guidelines, APPENDIX B - WATERFORD PLACE SITE PLAN). The Covenants are adopted in each deed, are binding on each Dwelling Unit Lot/property and common area within the community, and run with the land.

Article VII of the WPHOA Covenants entitled "Architectural Control – Use Restrictions" includes specific information about the permitted and prohibited uses of property within Waterford Place. These Guidelines do not contain all of the provisions of the Covenants. In the event of a discrepancy between the Covenants and the Guidelines, the Covenants shall prevail. In the event the Covenants is silent or has been superseded by new legislation, the applicable local/Montgomery County, State of Maryland, and Federal laws shall prevail.

The primary control for maintaining the uniformity and quality of design at Waterford Place comes through the Covenants. The AERC/Board ensures that proposed exterior alterations comply with the standards outlined in the Covenants. This process involves the regular review of all AECR applications for exterior alterations submitted by homeowners.

If you do not have a copy of the Covenants, please contact the WPHOA Management Agent (see Guidelines, APPENDIX A - CONTACT INFORMATION). **A copy of the Covenants (entitled “Declaration of Covenants, Conditions, and Restrictions”) is also available on the WPHOA website – <https://www.waterfordplacehoa.org> (under the WPHOA Community Documents section).**

1.3.2 Scope of the Committee

Except for purposes of proper maintenance and repair, no building, fence, wall, or other improvements or structures shall be commenced, directed, placed, moved, altered, or maintained upon The Property, nor shall any exterior addition to or change (including any change of color) or other alteration thereupon be made until the complete plans and specifications showing the location, nature, shape, height, material, color, type of construction and any other proposed form of change (including, without limitation, any additional information specified by the Architectural and Environmental Review Committee) shall have been submitted to and approved in writing as to harmony of external design, color, and location in relation to surrounding structures and topography and conformity with the design concept for the community by the Board of Directors of the Association or by an Architectural and Environmental Review Committee appointed by the Board of Directors.

Subject to the same limitations as hereinabove provided for, it shall be prohibited to install, erect, attach, apply, paste, hinge, screw, nail, build, alter, remove or construct any lighting, shades, screens, awnings, patio covers, fences, solar panels, wall, slabs, sidewalks, curbs, gutters, patios, balconies, porches, driveways, or to make any change or otherwise

alter (including any alteration in color), in any manner whatsoever, the exterior of any improvements constructed upon any Lot or upon any of the common areas, or to combine or otherwise join two (2) or more dwellings, or to partition the same after combination, or to remove or alter any windows or exterior doors of any dwelling, until the complete plans and specifications, showing the location, nature, shape, height, material, color, type or construction and any other proposed form of change (including, without limitation, any additional information specified by the Board of Directors or the Architectural and Environmental Review Committee) shall have been submitted to and approved in writing as to harmony of external design, color and location in relation to surrounding structures and topography and conformity with the design concept for the community by the Board of Directors or the Architectural and Environmental Review Committee appointed by the Board of Directors.

All of the responsibilities and duties herein delegated to the Architectural and Environmental Review Committee shall be carried out by the Board of Directors of the Association, unless and until the Board appoints such a committee. References hereinafter to the Architectural and Environmental Review Committee shall apply with equal force to the Board of Directors acting in the capacity of such a committee. [Source: Covenants, Article VII, Section 1]

The Board has the right to initiate legal action by the authority of the Covenants and the Maryland Homeowners' Association Act, [Maryland Code, Real Property §§ 11B-101 through 11B-118].

1.3.3 Operation of the Committee

The Board of Directors may appoint an Architectural and Environmental Review Committee. The Architectural and Environmental Review Committee shall be composed of three (3) or more natural persons designated from time to time by the Board of Directors. The affirmative vote of a majority of the members of the Architectural and Environmental Review Committee shall be required in order to adopt or promulgate any rule or regulation, or to make any finding, determination, ruling or order, or to issue any permit, consent, authorization, approval or the like pursuant to the authority contained in this Article. Said committee may, from time to time, delegate its ministerial and policing functions to the Managing Agent. [Source: Covenants, Article VII, Section 2]

1.3.4 Amendments to the Architectural and Environmental Control Guidelines

These Guidelines may be amended from time to time as deemed necessary by the Board of Directors in accordance with the Covenants and the By-Laws for the Waterford Place Homeowners Association, Inc. and/or applicable local, state, and federal laws.

It is anticipated that the changes will be primarily additive and will not involve substantive changes to existing guidelines. However, amendments may be made to reflect changed conditions or technological advancements.

The AERC may conduct a periodic evaluation of the Guidelines to determine if amendments are deemed necessary or desirable. Homeowners may also submit to the Board of Directors of the Waterford Place Homeowners Association, Inc. requests for additions or changes to the Guidelines. The actual amendments proceedings will involve open discussions at publicized meetings of the homeowners association and acceptance by a majority vote of the Board of Directors.

1.3.5 Changes Requiring Committee Review

An approved ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) Application Form is required prior to any exterior modification, alteration, or improvement to your Dwelling Unit/Lot property unless specifically allowed by these Guidelines.

Once an AECR application has been submitted, reviewed, and approved by the AERC/Board, the change must be implemented as approved. Any significant deviation from the approved AECR application requires resubmission and reapproval by the AERC/Board.

1.3.6 Original Construction Exception [applies to original (first-owner) homeowners who purchased townhomes from the builder]

An AECR application is **not** required for the original construction structure and builder options installed by the Declarant/developer prior to closing, as shown on the property's original floor plan and site plan drawings. However, any exterior changes, alterations, modifications, and/or replacements of original construction structures and builder-installed options must comply with these Guidelines, including submitting an AECR application and receiving prior approval from the AERC/Board.

1.3.7 Incorporation by Reference

The Waterford Place Homeowners Association, Inc. Design Standards, as developed by NVR/Ryan Homes, Inc. for application to all original construction, are hereby incorporated by references and are available for review at the offices of the Management Agent.

1.3.8 Liability and Indemnification

All duly appointed officers and members of the Board of Directors and/or the Architectural & Environmental Review Committee (AERC) are protected from legal action against them, as accorded Board of Directors and Officers, as set forth in Article IX, Section 1 of the By-Laws of the Waterford Place Homeowners Association, Inc. [Source: *By-Laws, Article IX, Section 1 – Liability and Indemnification of Officers and Directors – Interested Directors*]

2. PROPERTY USE AND MAINTENANCE

As a matter of personal pride, in the interest of developing an attractive community, in consideration of the homeowners' neighbors, and in the interest of improving the homeowners' property value, adequate time and effort should be taken to see that the homeowners' Lots/properties (e.g., yard, landscaping, home) are properly maintained.

Each homeowner is responsible for maintaining all exterior structures and landscaping located on their Lot/property, including, but not limited to, the Dwelling Unit and such items as decks, fences, enclosed storage areas, gardens, shrubbery, trees, and private playground types of equipment.

The following are examples of conditions which the AERC/Board considers **basic maintenance standards violations**:

- 1) Peeling paint on exterior trim, home, garage, or other structure
- 2) Fence(s) and/or party walls with either damage, missing parts (boards, post caps, etc.), or in need of refinishing; [NOTE: Maintenance of common fencing (party walls) between two townhomes is both homeowners' joint responsibility.]
- 3) Deck(s) in need of repair or refinishing
- 4) Private playground equipment that is either broken or in need of repainting
- 5) Concrete or masonry block/brick foundations in need of repair
- 6) Broken window(s), damaged screen(s), or damaged door(s)
- 7) Downspout(s)/gutter(s) in disrepair or need of painting
- 8) Shutter(s) in disrepair, in need of painting, or missing
- 9) Missing house numbers
- 10) Missing roofing/shingles
- 11) Damaged or missing siding
- 12) Lead walks and/or driveways in disrepair
- 13) Pile(s) of grass, leaves, shrubbery, clippings, and tree branches not disposed of promptly
- 14) Garden(s), lawn, plants, or shrubbery that have been neglected, including excessive weeds, overgrown grass, dead plants/trees, unkempt planters, etc.

Violations of maintenance standards are violations of the Covenants. [see *Covenants, Article XI, Section 1 – Duty to Maintain*]

Most homeowners would not allow any of the above conditions to exist. They seek to preserve and protect their investment in their homes and limit their personal liability by keeping all improvements on their Lots in good condition. The WPHOA expects all homeowners to do this necessary maintenance to prevent any of the cited conditions from

occurring in the Waterford Place community.

If you do not properly maintain your Dwelling Unit/Lot/property/improvements (including mowing your lawn), the Board may appoint someone to enter your Lot/property to conduct necessary maintenance. You may be required to reimburse WPHOA for the cost of maintaining your home/Lot/property if you do not maintain it yourself. [see *Covenants, Article XI, Section 1 – Duty to Maintain*]

2.1 Methods and Materials

Uniformity is established using the same or comparable materials used in the original house, except where so noted in the Guidelines.

2.1.1 Exterior Features

Exterior features include but are not limited to decks, doors, fences, gutters, porches/landings, steps, railings, lighting, siding, trim, and windows.

Exterior structures (such as decks and fences) constructed with wood elements require periodic maintenance to ensure an attractive appearance. Exterior wood elements must be cleaned (usually with a power washer) and sealed or finished regularly, usually annually.

All wood elements must be constructed with pressure-treated wood. (*Note the exceptions for bay window repair, decks, and garage doors below.*)

- 1) **Bay Window(s) Repair:** Composite materials such as PVC lumber may be considered (on a case-by-case basis) as an alternative material for bay window repair/maintenance materials as long as it meets the Montgomery County code and is deemed to be aesthetically acceptable in the AECR/Board of Directors' sole judgment.
- 2) **Deck(s):** Composite materials such as Trex or vinyl may be considered (on a case-by-case basis) as an alternative material for deck materials as long as they meet the Montgomery County code.
- 3) **Garage Door(s):** Aluminum and steel may be considered as alternative materials for garage door replacement as long as they meet the Montgomery County code.

NOTE: Due to the *shared party wall design and construction of the townhouse fences* in the Waterford Place community, **all fences (new, replaced, or refurbished) must be constructed with pressure-treated wood meeting Montgomery County code and matching the approved design for fences in the Waterford Place community.**

Surface materials include, but are not limited to, brick, mortar, pavers, and stone, synthetic materials such as composites, plastic and vinyl, asphalt, concrete, glass, metal, siding, wood, and fabric, and all similar materials.

You must periodically clean, coat, maintain, paint, repair, replace, seal, stain, or do all other appropriate maintenance of all surface materials **as allowed**, as needed, and as required for all of your exterior equipment, features, items, structures, and other improvements on your Lot/property.

A manufacturer-provided swatch/sample of any new exterior projects' proposed color must be included in the AECR application and approved by the AERC/Board. Likewise, all color changes of existing exterior elements require an AECR application and AERC/Board approval before any change can be implemented.

2.2 Exterior Openings

All exterior openings other than doors and windows, such as dryer and bathroom vents and chimneys, must have screening or other protections installed to prevent animal entry or nesting.

2.3 Exterior Appearance

Each homeowner must keep their Lot/property, including the Dwelling Unit, and all improvements, in good order and repair, in a clean, sightly, and sanitary condition, free of debris and animal infestation, all in a manner and with such frequency as is consistent with good property management.

Exterior design elements, such as window shutters and frames around doors, must not be removed.

"[E]xcept for hoses and the like which are reasonably necessary in connection with normal lawn maintenance, no water pipe, sewer pipe, gas pipe, drainage pipe, television cable or similar transmission line shall be installed or maintained on any Lot above the surface of the ground." [Source: Covenants, Article VII, Section 8, Paragraph G]

2.4 Window Treatments (Exterior exposure)

When selecting interior window treatments, it is recommended that the homeowner consider any window treatment's exterior appearance when viewed from the front street.

Sheets, paper, plastic, foil, towels, or other similar window coverings must not be hung, placed in, or over, nor rest upon any window in any structure except temporarily during a limited period of time during brief remodeling and repair projects.

2.5 Common Areas - Lawn/Shrubs/Trees

The WPHOA community maintains the lawn, shrubs, and trees located on the common areas and property easements adjacent to community streets. Homeowners are prohibited from removing, pruning, or trimming trees or shrubs located on the common areas and property easements adjacent to community streets.

You should report damaged, dead, overgrown, sick lawns, plantings, or trees and any other concerns or problems with the community-owned property (common areas) to the WPHOA Management Agent (see Guidelines, APPENDIX A – CONTACT INFORMATION, or the WPHOA website for WPHOA Management Agent contact information).

2.6 Pesticides and Herbicides

Montgomery County's Pesticide Law restricts the use of certain pesticides and herbicides on private lawns, playgrounds, mulched recreation areas, and childcare facilities. Synthetic pesticides and herbicides cannot be used on lawns in Montgomery County. NOTE: The pesticide law also applies to the WPHOA common areas, including the tot lot and recreation cul-de-sac areas in the community.

The community landscaping contractor hired to maintain the common areas and homeowners' lawns (except for homeowners who have "opted out" from this service) adheres to this law and only uses organic pesticides and herbicides in the Waterford Place community.

Only organic or minimum-risk pesticides are allowed for use on lawns, playgrounds, mulched recreation and childcare facilities in Montgomery County.

Weeds and pests can be prevented by practicing organic lawn care, which should not require the use of any chemicals. Montgomery County provides an extensive website (<https://montgomerycountymd.gov/lawns/>) highlighting the tips and tools for successful organic lawn care.

Pesticides and herbicides may be applied according to label instructions for the specified problem. Emphasis should be placed on organic/biodegradable materials to ensure the least harm to the natural environment. Care in the application is extremely important near community play areas and tot lots and near adjacent residences.

If you have questions or comments about lawn care and the Montgomery County Pesticide Law, please do not hesitate to contact the Montgomery County lawn care program at askdep@montgomerycountymd.gov; and/or visit the Frequently Asked Questions about the Pesticide Law page <https://montgomerycountymd.gov/lawns/law/faqs.html> on the Montgomery County government's website.

2.7 Trash Cans, Recycle Bins, Yard Waste Bags Handling, and Removal

Each resident is responsible for picking up litter on their Lot/property and preventing wind-blown debris originating on their Lot/property. Recycling must comply with Montgomery County regulations.

Waterford Place Common Areas, open space, private or public, must not be considered or used as a dumping area for inorganic or organic debris.

Trash must be placed in containers manufactured specifically for waste. Containers must have a lid that is always kept in place.

Repeated use of paper bags, boxes, and/or plastic bags, etc., is **not** an acceptable substitute for a trashcan. On **infrequent occasions** when a homeowner has excess trash, every effort must be made to put all the excess trash in plastic bags, **tightly tied** to minimize wind-blown trash throughout the neighborhood.

You must make sure that all packing materials such as packing foam "peanuts," tissue paper, and similar items are completely contained or sealed and will not be blown throughout the community, even if your boxes, recycling, or trash containers are blown or knocked over.

It is recommended that homeowners consider the weather forecast before placing trash and/or recycling bins out for collection. If there is a good chance an item will be blown away or blown open due to windy weather, the trash and/or recycling must be retained until the next collection day.

Trash cans and/or recycling containers must not be placed on the curbs/sidewalks before 6:00 p.m. on the evening before trash and/or recycling pickup.

Trash cans and/or recycling containers must be retrieved and stored before 11:00 p.m. on the day of collection. Receptacles must be collected the same day of the pickup and stored in such a manner so that they cannot be seen from the adjacent or surrounding property.

Trash and recycling containers stored outside must be stored or kept in the backyard and shielded from front street view.

You must remove your recycling or trash from the curb and place it in its storage location whenever a recycling or trash pickup is delayed for more than one (1) calendar day.

You must not leave bulk debris, lawn clippings, or trash on Common Areas.

Except as listed in these Guidelines, *"no burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials or trash of any other kind shall be permitted on any Lot."* [Source: Covenants, Article VII, Section 8, Paragraph C]

Information about recycling, trash collection, and bulk item collection can be obtained by contacting the Montgomery County Department of Environmental Protection, Recycling and Resource Management Division
<https://www.montgomerycountymd.gov/sws/>.

2.8 Building Permits (Montgomery County)

Montgomery County requires building permits for specific changes, including all decks, patios, and major construction. Obtaining a building permit does not eliminate the homeowner's requirements to obtain AERC/Board approval, nor does AERC/Board approval eliminate the need for a building permit.

The AERC/Board (at its discretion) may ask that a copy of the building permit be submitted. Also, Montgomery County building codes are to be adhered to (check with Montgomery County authorities). The County will not issue a permit without WPHOA approval in writing.

3. GENERAL PROHIBITIONS [Prohibited Uses and Nuisances as stated in the Covenants]

3.1 Sirens and Other Sound Devices

"[N]o speaker, horn, whistle, siren, bell or other sound device, except such devices as may be used exclusively for security purposes, shall be located, installed or maintained upon the exterior of any dwelling or upon the exterior of any other improvements." [Source: Covenants, Article VII, Section 8, Paragraph A]

Security sirens must automatically shut off after ten (10) minutes if not manually silenced.

3.2 Animals

"[T]he maintenance, keeping, boarding or raising of animals, livestock, or poultry of any kind, regardless of number, shall be and is hereby prohibited on any Lot or within any dwelling, except that this shall not prohibit the keeping of dogs, cats or caged birds as domestic pets, provided they are not kept, bred or maintained for commercial purposes and, provided further, that such domestic pets are not a source of annoyance or nuisance to the neighborhood or other Members. The Board of Directors or, upon resolution of the Board of Directors, the Architectural and Environmental Review Committee, shall have the authority, after hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other Members and such determination shall be conclusive. Pets shall be attended at all times and shall be registered, licensed, and inoculated as may from time to time be required by law. Pets shall not be permitted upon the common areas unless accompanied by a responsible person and unless they are carried or leashed. Each member who walks a pet on the common areas is required to clean up any and all solid waste deposited by their pet within that area." [Source: Covenants, Article VII, Section 8, Paragraph B]

According to the Montgomery County Animal Control Ordinance, no animal shall damage, soil, defile, or defecate on private property (including Common Areas in the Waterford Place community) other than on the homeowner's Lot/property.

Feces from your animal or pet shall be immediately removed from private property (including Common Areas in the Waterford Place Common Areas and Community Facilities and the animal/pet owner's Lot/property) and disposed of in a sanitary manner by the animal/pet's owner.

- 1) If at any time you allow your animal/pet to enter another homeowner's property without permission or to enter Common Areas that are not specifically set aside for animal/pet use, it is considered trespass by Montgomery County, Maryland.
- 2) If your animal/pet defecates outside of your property, you must immediately pick up the feces in a plastic bag. If this plastic bag is placed inside a second plastic bag, you may dispose of the feces in your regular household trash.
- 3) It is recommended that animal/pet owners not use the Common Area or Community Facilities trash receptacles for feces disposal because of continuous bad smells/odors and potentially attract insects in the area near the Common Area trash receptacles.
- 4) Animal/pet urine and feces attract insects, cause odors, are unsanitary, and cause health problems. For example, contact with animal feces can cause worms and infection in humans. Feces can also permanently kill bushes, lawns, plants, and trees. In addition, they can permanently damage interior items (i.e., bags, clothing, rugs, shoes, etc.). Therefore, you must not allow your animal/pet waste to accumulate on your Lot/property.
- 5) You must not allow your animal/pet to cause noise that is too loud or persistent.
- 6) Dogs are not allowed to stay in the homeowner's front yard unattended (without the owner present) – even if an "invisible" fence is installed and/or the dog is on a leash.
- 7) You must prevent your animal/pet from coming into unwelcomed or unsolicited areas and threatening physical

contact or proximity to a person or another domestic animal outside your property. In addition, behaviors that may cause alarm in a reasonable person, such as biting, chasing, tracking, inhibiting movement, or jumping, are not allowed.

All dogs must be on a leash when outside your Lot/property unless you are in a dog exercise area designated by the Association or the Maryland National Capital Park and Planning Commission or participating in a Montgomery County-approved activity.

3.3 Burning Trash and Accumulation or Storage of Waste Materials

“[N]o burning of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials or trash of any other kind shall be permitted on any Lot; firewood may be stored in the rear of the yard of each Lot provided such firewood does not exceed one cord in size.” [Source: Covenants, Article VII, Section 8, Paragraph C]

3.4 Prohibited Vehicles/Prohibited Maintenance of Vehicles on The Property

“[E]xcept as herein elsewhere provided, no junk vehicle, vehicle larger than a ¾-ton truck and/or with more than two (2) axles and not to exceed four (4) wheels, house trailer, motor home, camper, vehicle with commercial lettering and signs (no including vehicles of a governmental agency), boat or other similar machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the common areas and community facilities) shall be kept upon The Property (including streets, driveways, Lots and parking spaces) nor (except in bona fide emergencies) shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.” [Source: Covenants, Article VII, Section 8, Paragraph D]

3.5 Trash and Garbage Containers

“[T]rash and garbage containers shall not be permitted to remain in public view, except on days of trash collection. No incinerator shall be kept or maintained upon any Lot. Garbage, trash, and other refuse shall be placed in covered containers.” [Source: Covenants, Article VII, Section 8, Paragraph E]

3.6 Above-Ground Pipes and Cables

“[E]xcept for hoses and the like which are reasonably necessary in connection with normal lawn maintenance, no water pipe, sewer pipe, gas pipe, drainage pipe, television cable or similar transmission line shall be installed or maintained on any Lot above the surface of the ground.” [Source: Covenants, Article VII, Section 8, Paragraph G]

3.7 Trees

“[N]o sound hardwood trees measuring in excess of six (6) inches in diameter two (2) feet above the ground shall be removed from any Lot without written approval of the Association acting through the Architectural and Environmental Review Committee or duly appointed subcommittee. The Architectural and Environmental Review Committee may from time to time adopt and promulgate such additional rules and regulations regarding the preservation of trees and other natural resources and wildlife as it may consider appropriate.” [Source: Covenants, Article VII, Section 8, Paragraph I]

3.8 Trailers, Sheds, Tents, etc.

“[N]o structure of a temporary character, and no trailer, tent, shack, barn, pen, kennel, run, stable, outdoor clothes dryer, shed, or other buildings shall be erected, used or maintained on any Lot at any time, without prior written consent of the Architectural and Environmental Review Committee.” [Source: Covenants, Article VII, Section 8, Paragraph J]

3.9 Signs

“[E]xcept for entrance signs, directional signs, signs for traffic control or safety, community “theme areas” and such promotional sign or signs as may be maintained by the Declarant or the Association, no signs or advertising devices or any character shall be erected, posted or displayed upon, in or about any Lot or dwelling, provided, however, that one sign not exceeding two (2) square feet in area and not illuminated may be attached to a dwelling where a professional office (as herein elsewhere in this Declaration defined) is maintained, and provided, further, that one temporary real estate sign not exceeding six (6) square feet in area, may be erected upon any Lot or attached to any dwelling placed upon the market for sale or rent. Any such temporary sign shall be removed promptly following the sale or rental of such dwelling.” [Source: Covenants, Article VII, Section 8, Paragraph K]

3.10 Utility Easement and Drainage Interference

“[N]o structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage channels” [Source: Covenants, Article VII, Section 8, Paragraph L]

3.11 Landscape Features Obstructing Sight-Lines for Vehicular Traffic

“[No]o tree, hedge or other landscape feature shall be planted or maintained in a location which obstructs sight-lines for vehicular traffic on streets and roadways.” [Source: Covenants, Article VII, Section 8, Paragraph M]

3.12 Common Areas Usage and Restrictions

“[N]o member shall make any private or exclusive or proprietary use of any of the common areas except with the specific approval of the Architectural and Environmental Review Committee and, then, only on a temporary basis...” [Source: Covenants, Article VII, Section 8, Paragraph O]

3.13 Vehicles (All-Terrain and Off-Road Motorcycles/Vehicles)

“[N]o all-terrain vehicles (“ATVs”) and/or off-road motorcycles or off-road motor vehicles of any kind shall be allowed on any Common Areas, with the exception that such vehicles may be parked on the townhouse parking lots.” [Source: Covenants, Article VII, Section 8, Paragraph P]

3.14 Prohibited Composting

Composting of any materials (e.g., yard waste, house waste materials (food, sewage, etc.) anywhere on the Common Areas is prohibited.

3.15 Prohibited Exterior Structures

Roofed dog pens, sheds, barn-style structures, and treehouses are prohibited.

3.16 Prohibited Plants

The following trees and plants are prohibited due to their pervasive effect on the soil and/or potential impact on an adjacent Lot/property: Bamboo, Silver Maple, Female Ginkgo, Weeping Willow, and Catalpa. Additional trees and plants may be prohibited by state or local law. Homeowners are advised to become knowledgeable of the Maryland and Montgomery County laws before purchasing and/or planting any prohibited trees and/or plants.

Vines growing on any of the fronts, back, or side (end unit) of a townhouse or growing on a fence, deck, or tree is prohibited.

Artificial flowers and plants are prohibited except in seasonal ornaments and decorations (see Guidelines, Section 7.6 – Temporary/Seasonal Ornaments, Decorations, and Signs).

4. GENERAL GUIDANCE

4.1 Community Mailboxes (USPS-owned Cluster Box Units) – General Info

The community mailboxes (cluster box units) located throughout the Waterford Place community are the Federal government's property. The United States Postal Service (USPS) owns and maintains the cluster box units. Residents should not tamper with, deface, or attach signs or notices to the cluster box units.

Individual mailboxes will not be allowed for any home served by a community cluster mailbox unless the Board and U.S. Postal Service approve the removal of the cluster mailbox for the entire Section of the community.

4.2 Community Parking

“Ownership of each Lot shall entitle the Owner or Owners thereof to the use of not more than two (2) automobile parking spaces, at least one (1) of which shall be as near and convenient to said Lot as reasonably possible, together with the right of the ingress and egress in, from and upon said parking area.

For those Lots which are improved with a garage and driveway, the foregoing requirements shall be deemed satisfied by such garage and driveway, and the owners of those Lots, so improved, shall not be entitled to use two (2) additional parking spaces within the Association's common areas.

The Board of Directors of the Association shall have the authority and power to establish rules and regulations concerning parking on any of the common areas, including without limitation, the designation of assigned parking spaces for use by specific Lot owners, the imposition of reasonable fines, and provisions for involuntary removal of any vehicle violating the provisions of this Declaration or such rules.” [Source: Covenants, Article IV, Section 4 – Parking Rights]

At the April 26, 2006 WPHOA Board meeting, Board of Directors adopted the “Parking Space Assignment Rules and Regulations”. (See Guidelines, APPENDIX F – Community Parking). This document does two things: 1) it establishes and makes official the parking assignments adopted in 2005 when the owner of each townhouse without a garage and driveway was assigned on parking spot near the townhouse unit; and 2) it clarifies the Waterford Place community's parking regulations.

Homeowners are advised to read the parking rules and regulations outlined in the “Parking Space Assignment Rules and Regulations” document which is available in the Appendix of these Guidelines and the WPHOA website.

4.3 Boats, Trailers, Trucks, and Recreational Vehicles – General Info

No boats, boat trailers, recreational vehicles, utility trailers, campers, mobile or motor homes, trucks of one ton or more capacity, or unlicensed vehicles (without current registration tags) may be parked in the streets driveways, front yards, or Common Areas.

Unauthorized vehicles shall be towed at the owner's risk and expense.

The WPHOA assumes no responsibility for any parked vehicles, including contents or accessories in or attached to any parked vehicles.

The Board of Directors has defined "recreational vehicle" as follows:

- 1) A boat or boat trailer.
- 2) Any motor home or other self-contained camper.
- 3) Any camper slip-ons where the camper's back is higher than the roofline of the truck's cab.
- 4) Any mobile home, trailer, or fifth-wheel trailer.
- 5) Any pop-up camp/tent trailer or other similar recreation-oriented portable or transportable facility or conveyance.
- 6) Any other vehicle not defined above which could not typically or regularly be used for daily transportation, including dune buggies or non-operative automobile collections or other automotive equipment not licensed for use on Maryland's highways.

- 7) All-Terrain Vehicles (ATV).
- 8) Golf-carts

The following vehicles shall be treated in the same manner as recreational vehicles:

- 1) Any vehicle that is included in the Montgomery County code as being defined as a recreational or commercial vehicle.
- 2) Any vehicle that has commercial signs or advertising or commercial equipment visible.
- 3) Any private or public school or church buses.

4.4 Indoor/Outdoor Carpet – General Info

Indoor-outdoor **carpet** on front porches/landings, steps, decks, and patios is not permitted. However, indoor-outdoor **area rugs** are permitted for use on decks and patios. [Note differences below.]

1. **Carpet** indicates a floor covering stretching from wall to wall, edge to edge, and affixed to a floor/surface.
2. **Area rugs** tend to be smaller than the square footage of the floor/surface (by a lot or a little) and are not affixed to the floor/surface. They can be easily rolled up and moved from place to place.

4.5 Use of Open Space/Common Areas – General Info

Waterford Place Homeowners Association, Inc. (WPHOA) does not allow unauthorized use of open space/Common Areas/Common Facilities for gardens, privately-owned play equipment, pets, tree removal, motorized vehicles, etc. Proposed changes of open space/Common Areas/Community Facilities use must be submitted through the WPHOA Board of Directors.

4.6 Community Compliance Inspection – General Info

The AERC and/or Board and/or the Management Agent may conduct a walking survey of the community at least once a year (or as often as deemed necessary) to comply with architectural and environmental standards as stated in the WPHOA Covenants these Guidelines.

The AERC members and/or Board members may make a periodic motorized and/or walking survey of the community for compliance inspections.

Upon completion of an approved exterior modification, the AERC and/or Board and/or the Management Agent may inspect a property that has undergone architectural and/or environmental changes and improvements and shall notify the homeowner in writing of any inconsistency with the homeowner's AECR application project plan approved by the AERC and/or Board.

4.7 MNCPPC Improvements – General Info

A certain number of the Lots/Properties shall have been improved with particular features or improvements, including but not limited to builder-installed fences, noise walls, landscape berms, foundation plantings, certain architectural features, and exterior light fixtures that have been constructed or installed on such Lots/Properties as required by the Regulatory Plans for the Waterford Place project. In addition to each Lot Owner's obligation to maintain such features or improvements as set forth above, each such Lot Owner is hereby prohibited from altering, destroying, or removing such features or improvements without prior approval from the Maryland-National Capital Park and Planning Commission (MNCPPC).

4.8 In-Home Business Guidelines – General Info

As used herein, an in-home business is defined as any business conducted on a residential Lot, except for licensed in-home child daycare ("Family Child Care Home"), as provided in the Family Law Article, Code of Maryland, A "Professional Office" (as defined in the Covenants, Article VII, Section 8), or a "No-impact home-based business," as

defined in the Maryland Real Property Code § 11-111.1.

It is neither the intent nor the AERC's/Board's desire to regulate Waterford Place residents' lifestyle. However, the AERC/Board is responsible for providing guidelines when certain arrangements take on a business venture's nature. Such business ventures may include but are not limited to arts and crafts, professional services, private tutoring, and mail-order business.

The AERC approval is valid for one (1) year only. The AERC may, at its option, waive this requirement on a case-by-case basis. An in-home business approval is not transferable to a new homeowner or new location. Any variance from the terms of an approved application will be considered a Covenant violation. The AERC/Board reserves the right to request a resubmission of the application if there is a complaint about the business.

No sign or other advertising device of any nature shall be placed upon any Lot. This restriction does not prohibit the use of professional titles such as M.D., Attorney-At-Law, etc., on small (2" x 4") nameplates located on doors or adjacent to doorbell buttons.

Approval is not required for occasional casual use, such as children's ventures, garage sales, or yard sales, provided that all evidence of the use is removed at night and that such use is not conducted for more than six calendar days in any six months.

An in-home business must meet all the following conditions:

1. Be clearly incidental to or secondary to the residential use of the dwelling unit.
2. Not require the use of a commercial-type vehicle or need one to be parked on the property.
3. Not involve the sale of goods or merchandise on the premises.
4. Not require the alteration of the dwelling unit in any way that would make it unsuitable for more occupants of the dwelling, except that one person not residing in the dwelling may be employed in connection with a profession.
5. Be of a type which is customarily and traditionally carried on within a dwelling unit by one or more occupants of the dwelling, except that in construction of accessory buildings or building additions not suitable for normal residential uses.
6. Not be of a type that will create unpleasant odors, undue noise, pedestrian or vehicular traffic, or make unusual demands on neighborhood parking or community facilities or services.
7. Not violate any Montgomery County ordinances.
8. Is consistent with the residential character of the Dwelling Unit.
9. Is subordinate to the use of the Dwelling Unit for the residential purposes and requires no external modifications that detract from the residential appearance of the Dwelling Unit.
10. Uses no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference detectable by neighbors or that causes an increase of common expenses that can be solely and directly attributable to a no-impact home-based business.
11. Does not involve the use, storage, or disposal of any grouping or classification of materials that the United States Secretary of Transportation or the State or any local governing body designates as hazardous material.

5. ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST APPLICATION, REVIEW, APPROVAL, APPEAL PROCESS

5.1 Composition of the Architectural & Environmental Review Committee (AERC)

The Board of Directors may appoint an Architectural and Environmental Review Committee. The Architectural and Environmental Review Committee shall be composed of three (3) or more natural persons designated from time to time by the Board of Directors. [*Source: Covenants, Article VII, Section 2*]

If there is an insufficient number of homeowners willing to volunteer/be nominated and appointed to serve on the Architectural and Environmental Review Committee (AERC), the Board itself will act in the capacity of the AERC.

5.2 Architectural & Environmental Change Request (AECR) Application Form Content

Homeowners must review this document completely before submitting an ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) Application Form, since the AECR requirements are distributed throughout these Guidelines.

The AECR application form is the only acceptable form the homeowner shall use to submit a change request. The AERC and/or the Board shall use to review a requested change. **A copy of the AECR Application Form can be accessed and submitted online on the WPHOA website (www.waterfordplacehoa.org); the direct link to the application form is (<https://www.waterfordplacehoa.org/p/Architectural-Change-Request-Form>).** All necessary information should be stated clearly and concisely to ensure that the AERC interprets the application as intended by the homeowner.

An AECR Application Form for ALL exterior changes must be properly completed and submitted to the Managing Agent for AERC review. AERC approval must be obtained prior to commencing work on any project or any change being made. Except where stated in these Guidelines, an AECR application form is required for exterior changes.

Oral requests are prohibited. Each alteration must be specifically approved, even when a similar or substantially identical alteration has been previously approved.

If in doubt as to whether an exterior change needs prior approval, submit an AECR application.

To the extent necessary to evaluate the requested change, an AECR requires the following information (if applicable):

- 1) An estimated start and completion date;
- 2) A copy of the Lot site plan (plat), elevations, or sketches; [Written material should support and fully document any plans or sketches];
- 3) A set of drawings and specifications of the requested change. The set must consist of scaled and dimensioned floor plans, exterior elevations, sections, and details;
- 4) A brochure or manufacturer's photograph of the requested change, if available;
- 5) A description of the style and color scheme of the existing house (for example, photographs)
- 6) Location drawing of the requested change relative to existing structures and adjoining properties;
- 7) Changes in surface grade, slope and/or fill, and any impact on drainage must be shown graphically, as well as a description of how soils will be stabilized and runoff controlled during construction and after completion of the project;
- 8) Type and style of hardware and lighting fixtures (manufacturer's brochures or cut sheets);
- 9) A completed list of materials;
- 10) Contractor's statement of work;
- 11) The color scheme of the requested change, which must include color samples and/or swatches; and
- 12) Any additional AECR requirements appropriate to the requested change as specified in these Guidelines.

It is the homeowner's responsibility to obtain a Montgomery County building permit (if required) and to comply with all applicable Montgomery County building codes, zoning laws, ordinances and/or regulations. The AERC does not review AECRs to check for compliance with building code requirements. It is also the homeowner's responsibility to ensure that the project will pass inspection by the responsible Montgomery County authorities.

5.3 AECR Application Submission

The architectural review process begins with the submission of an AECR application by the homeowner requesting the change. All AECR applications must be submitted to the Managing Agent via the online application available on the WPHOA website, e-mail, faxed, or mailed (USPS). (see Guidelines, APPENDIX A – CONTACT INFORMATION).

5.4 AECR Application Receipt

Upon receipt of an AECR application, the Managing Agent shall:

- 1) Date stamp the AECR application;

- 2) Assign a tracking control number;
- 3) Review the AECR application for completeness and supporting documentation;
- 4) Request additional information from the homeowner, if necessary;
- 5) Provide the homeowner with the control number assigned and the date of the AECR application receipt; and
- 6) Forward the complete AECR application and supporting documentation to the AERC (or Board, if acting in the capacity of the AERC) for review and action.

Only AECR applications received by the Managing Agent and entered into the AECR application review process will be considered valid AECR applications. Incomplete or illegible AECR applications will be returned to the homeowner/applicant for resubmission.

If the homeowner/applicant does not receive confirmation of receipt of the AECR application from the Managing Agent within seven (7) calendar days after submitting/mailing the AECR application, the applicant should contact the Managing Agent for receipt confirmation.

5.5 AECR Application Review

If a homeowner fails to submit an AECR application and obtain prior written approval from the AERC/Board, and has proceeded with any exterior change, the Board may initiate legal action by the authority of the Covenants and assess a fine, or both. [Covenants and Maryland Code, Real Property §§ 11B-101 through 11B-118]

The AECR application shall be reviewed within sixty (60) calendar days of receipt by the AERC (as indicated by the date stamp).

The Managing Agent will review each AECR application to verify completeness. If information pertinent to the AECR application review is missing, the Managing Agent will notify the homeowner/applicant in writing and/or via e-mail and specify the missing information.

If the Managing Agent does not notify the applicant that the AECR application is incomplete within thirty (30) calendar days following receipt of the AECR application, the AECR application will be deemed complete and will be reviewed as submitted.

All supplemental information requested must be submitted to the Managing Agent.

The burden of proof of submission of the AECR application is the sole responsibility of the homeowner/applicant. It is recommended that applications be submitted online using the online AECR application form available on the WPHOA website or by electronic mail to the Managing Agent.

5.5.1 AERC Review Criteria

The AERC/Board evaluates all submissions for exterior changes on the individual merits of the application. Besides evaluating the design proposal, this includes considering the characteristics of the housing type and the individual site location. What may be an acceptable design of an exterior in one instance may not be for another.

ARCHITECTURAL & ENVIRONMENTAL CHANGES not explicitly covered by these Guidelines and interpretation of these Guidelines will be reviewed by the AERC/Board in accordance with the general criteria set forth in the Covenants and the Guidelines.

Design judgments made by the AERC/Board in reviewing AECR applications are not based on an individual's personal opinion or taste. Judgments made by the AERC/Board will be based on aesthetics, the unique design of the community's property, and architectural style, including the general standards of the Covenants.

5.5.1.1 Relation to the Waterford Place Common Areas Concept

The proposed change must not compromise the integrity or negatively impact the Common Areas. (For example, a proposed fencing design may have a damaging effect on the Common Area.)

Other factors such as removing trees, disruption of the natural topography, and changes in rate or direction of stormwater runoff also adversely affect Waterford Place Common Areas.

5.5.1.2 Validity of Concept

The basic idea must be sound, appropriate, and consistent with the residential character of Waterford Place as determined by the AERC/Board in accordance with the general criteria set forth in the Covenants and the Guidelines.

5.5.1.3 Design Compatibility

The proposed change must be compatible with the applicant's Lot/property's inherent architectural characteristics, adjoining Lots/properties, and the community's suburban residential nature. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color, and construction details with respect to comparable townhomes throughout the entire community.

5.5.1.4 Location and Impact on Adjoining Properties

The AERC/Board reviews the impact/relation of the proposed change on/to the landscape, the existing structures on the Lot, and the neighborhood. The primary concerns are access, view, sunlight, ventilation, and drainage. *(For example, fences may obstruct views, breezes, or access to the neighboring Lot/property; decks or more extensive additions may cause unwanted shadows on adjacent patios or infringe on a neighbor's privacy and view.)*

Any topographical changes must include proper stabilization of soils through an accepted means of control *(for example, grass or other groundcovers, landscaping, retaining walls, etc.)* and proper runoff management to prevent erosion and flooding or other negative impacts on neighboring properties, both private and public.

5.5.1.5 Impact on and Input from Adjacent Neighbors

The existing and/or proposed alteration should relate favorably to the landscape, the existing structure, and the neighborhood. When an existing and/or proposed alteration has a potentially adverse impact on adjacent Lots/properties, it is suggested that the applicant homeowner discuss the proposal with the adjacent neighbors and attempt to obtain their approval before submitting the AEER application.

The AERC/Board may request adjacent neighbors' comments be submitted before taking action on the homeowner's AEER application.

5.5.1.6 Drainage Easements

The homeowner should be aware that their ownership of their Lot/property is subject to certain drainage easements and other easements that cannot and must not be obstructed in any way.

Each homeowner is responsible for seeing that their Lot/property area is protected from erosion and that storm drain structures are not blocked to cause additional erosion problems that will silt up ponds and stream valleys.

Failure to abide by this could result in legal action against the homeowner by their neighbors or the WPHOA. In addition, it could result in severe water damage problems for the homeowner and others near the homeowner's Lot/property.

5.5.1.7 Scale

The proposed change's width, depth, and height must relate appropriately to the adjacent/existing structures and their surroundings.

5.5.1.8 Color

Color should be consistent with the original used by the builder and must match specifications and guidelines.

5.5.1.9 Materials

Uniformity is established using the same or compatible building and finish materials in the proposed change used in the original townhome construction.

5.5.1.10 Workmanship

The quality of work must be equal to or better than that of the original structure and surrounding area. Besides causing the homeowner problems, poor workmanship can be visually objectionable to WPHOA residents; it could also create safety hazards. The Waterford Place Homeowners Association, the Board, and the AERC assume no responsibility for new construction safety by virtue of an approved design or workmanship.

5.5.1.11 Timing

Every application must include a start and completion date. Architectural and environmental projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and safety hazard for the homeowner, neighbors, and community. ***All applications must include estimated completion dates. If such a time period is considered unreasonable, the AERC/Board may disapprove of the application.***

5.5.1.12 Relationship to the Environment

The Waterford Place community is obligated to protect the surrounding environment. Every project, whether construction, maintenance, or upkeep, must be environmentally sound. The AERC/Board may prohibit construction techniques and materials or maintenance procedures that may place an unreasonable burden on the environment.

5.5.1.13 Safety

The Montgomery County Building Codes and Regulations address fundamental attention to safety. In the pursuit of its objective to maintain property values and protect the community's reputation, the AERC/Board may specify building procedures and materials that are 'above code.' Additionally, the AERC/Board may specify performance standards for construction where no practical standards exist.

The homeowner should be aware that various types of utility lines are buried in the ground on the homeowner's property. The homeowner is cautioned not to build any permanent structure over those easements. **The homeowner MUST contact "Miss Utility" (1-800-257-777) before digging.**

Design approval by the AERC/Board shall in no way be construed as to pass judgment on the correctness of location, structural design, suitability of drainage, location of utilities, or any other qualities of the requested change.

5.6 Notification of AERC or Board Decision

The AERC/Board is required to approve or deny all AEER applications within sixty (60) calendar days following receipt of a **properly completed** AEER application. (*See Covenants, Article VII, Section 3.*)

The AERC's/Board's written decision will be mailed (via USPS and/or electronic mail) to the address shown on the AEER application. Verbal authorizations are not permitted.

If the review period has lapsed without notification, the homeowner should contact the Managing Agent. If the AERC/Board has not conveyed a decision to the Managing Agent within the review period, the AEER application is deemed "approved as submitted."

The sixty (60) calendar days review period limit does not apply to an AEER application submitted for a project that has already been started or completed or in response to a notice of violation (an after-the-fact AEER application.)

5.7 AECR Application Disapproval

If the AECR application is disapproved, the homeowner will be notified in writing and informed about the application's challenges/problems.

The homeowner is free to request that the AERC/Board reconsider its position and is encouraged to present new or additional information that might clarify the request or demonstrate acceptability. If the AECR application is still disapproved upon resubmission, the homeowner will be given fifteen (15) calendar days to make a written appeal to the Board of Directors (unless the Board disapproved the AECR application. In this case, there is no right of appeal.)

5.8 Appeal Procedures

In the event that the Board, itself, acts in the capacity of the AERC, there is no right of appeal. (See Covenants, Article VIII, Section 7.)

Any homeowner dissatisfied with the AECR application denial decision of the AERC may, within fifteen (15) calendar days after the rendering of such decision, appeal to the Board of Directors.

The Managing Agent must receive the written appeal within fifteen (15) calendar days from an AECR application's denial.

In case of an appeal to the Board, all persons with a properly registered objection to the original AECR application will be notified of the appeal by the Board in writing before the Board hears the appeal.

Not less than fifteen (15) or more than sixty (60) calendar days after the receipt of an appeal, the Board of Directors shall conduct a hearing on the appeal. The Board is authorized and empowered to promulgate reasonable rules of procedure for the conduct of such appeals and hearings.

Within fifteen (15) calendar days of the hearing, the Board of Directors may affirm, reverse, modify or remand the appealed decision. Two-thirds (2/3) of the Board of Directors shall be required to reverse a decision of the AERC.

No work proposed by an AECR application shall be performed until the Board has heard all the appeals and a final decision is rendered.

If the Board is **not** acting in the capacity of the AERC, and if the homeowner does not submit a written appeal within fifteen (15) calendar days to the Management Agent, the homeowner then forfeits their right of appeal. The AECR application is considered "disapproved."

5.9 Changes Made After Disapproval of AECR Application (Non-compliance)

If the homeowner proceeds with any exterior changes (alterations proposed in the AECR application) that the AERC/Board disapproved, the Board may initiate legal action by the authority of the Covenants.

The Board has the right to initiate legal action by the authority of the Covenants and the Maryland Homeowners' Association Act, [Maryland Code, Real Property §§ 11B-101 through 11B-118].

5.10 Construction Schedule for Approved AECR Applications

Approved AECR application projects shall be substantially completed within twelve (12) months following the date of commencement or within such a shorter period, as the AERC/Board shall specify in its approval.

Homeowners shall continue to make reasonable progress following the commencement of any approved project. It is anticipated that most projects can be completed within three (3) months of commencement.

In the event construction is not commenced within six (6) months of the AECR application approval, absent notice and a request for extension from the Owner giving the reasons, therefore, the approval of the plans and specifications by the AERC or Board shall be deemed to have lapsed, and the AECR application will have to be resubmitted and will be subject to the same requirements, restrictions, and timeline as an AECR application that is submitted for the first time. *(See Covenants, Article VII, Section 4.)*

There shall be no deviation from the plans and specifications approved by the AERC/Board without the prior written consent of the AERC/Board.

AECR application projects submitted in response to a violation must be completed within thirty (30) calendar days of the AECR application's approval by the AERC/Board.

5.11 On-Site Inspection During the Completion of Approved Project

The Managing Agent, a member of the AERC, a board member, or a duly designated representative may conduct periodic inspections of the approved AECR application's project while under construction to review compliance with the approved AECR application; these Guidelines, and the Covenants. Any unapproved deviations from the approved AECR application will render the project non-compliant and will be formally addressed by the Board. **The homeowner shall solely bear all costs resulting from the non-compliance of the AECR application project.**

5.12 Final Approval Inspection and Compliance Certificate

Upon completing the project, the homeowner must contact the AERC or Managing Agent within fifteen (15) calendar days to conduct the final approval inspection. Final approval inspection requires full and complete compliance with the approved AECR application's stated specifications (including a review of the quality of workmanship).

In addition, the homeowner shall give the Managing Agent a copy of all Montgomery County final inspection and safety certificates, if applicable. Upon completing any construction, alterations, other improvements, or changes according to the drawings and specifications approved by the AERC and/or Board, the AERC shall issue a certificate of compliance at the request of the homeowner. *(See Covenants, Article VII, Section 5.)*

Following a final approval inspection by the Managing Agent or AERC, the homeowner will be given forty-five (45) calendar days to complete or correct any deficiencies in the project or request in writing an appeal of the inspector's decisions. If the project is still unacceptable and the AERC receives no written response within fifteen (15) calendar days, the AERC will refer the matter to the Board of Directors for further action.

Any changes, permanent or temporary to one's Lot/property's exterior appearance must be approved by the AERC and/or Board. Further, once the submitted AECR application is approved, the approved plan must be followed, or a modification of the approved plan must be approved in accordance with the *Covenants, Article VII, Section 4. Limitations.*

6. PROJECTS REQUIRING AN ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) APPLICATION

An AECR application and prior approval from the AERC/Board are required for all exterior projects not specifically exempted in these Guidelines.

"Exterior project" includes **any** exterior physical addition, change, improvement, installation, modification, or removal – including any change to your house or any improvement on your Lot/property (for example, your deck, driveway, patio, siding, windows, doors, lights, etc.), or any and all parts of your house or improvements on your property, in the following characteristics:

- 1) Aesthetics
- 2) Color or color properties (including but not limited to:

- a. Brightness
- b. Hue
- c. Intensity
- d. Luminance or lightness
- e. Purity
- f. Quality (independent of brightness)
- g. Saturation
- h. Shade
- i. Tint
- j. Tone or
- k. Value
- 3) Complementary nature
- 4) Finish type (such as laminate, paint, sealer, stain, and similar finishes)
- 5) Finish features (including, but not limited to:
 - a. Depth of finish
 - b. Designer finish variations (such as antique, distressed, glazed, etc.)
 - c. Level of polish (sheen)
 - d. Level of transparency and
 - e. Pattern and/or texture
- 6) Material
- 7) Number or size or
- 8) Style

You do not need to submit an AECR application to do routine maintenance or make minor improvements to your Dwelling Unit/Lot/property – if you are not making any changes to your Dwelling Unit/Lot/property.

If you are in doubt about if an AECR application and prior approval from the AERC/Board are required, please contact the Management Agent. (See Guidelines, APPENDIX A – CONTACT INFORMATION)

This section provides additional information about some projects.

6.1 Non-Conforming Features/Existing Alterations Which Do Not Conform to These Guidelines

Certain existing features (e.g., doors, lights, decks, patios, etc.), whether installed by the original builder, a previous owner or installed with or without the approval of the Board or AERC, may not comply with all the requirements in the current version of the Guidelines (in other words, may be a "non-complying feature").

- 1) Existing alterations, structures, objects, etc., **which do not conform to these Guidelines, but were erected by the Developer or properly approved by the AERC and/or Board under previous Architectural Control Guidelines**, do not have to be removed or altered and are not considered to violate current Guidelines (*revised and approved in October 2021*.) [See note below.]
- 2) Existing alterations, structures, objects, etc., **which violates these Guidelines and were not/have not been erected by the Developer or approved by the AERC and/or Board under previous Architectural Control Guidelines**, are considered to violate these Guidelines (*revised and approved in October 2021*) and are subject to the provisions of the *Covenants, Article VII, Section 13 – Enforcement: Right to Remove or Correct Violations, and Section 14 – Enforcement: Fines*. [See note below.]

NOTE: If you replace a non-complying feature, the replacement feature must comply with all the requirements of the **current version of the Guidelines (*revised and approved in October 2021*)**.

You must not replace a non-complying feature even if installed by the original builder or installed with the approval of the Board or AERC under previous Guidelines – **the replacement feature must comply with the current version's requirements stated in the Guidelines (*revised and approved in October 2021*)**.

If you want to significantly change non-complying features (for example, change its color), or make any major structural repairs to a non-complying feature, or repair or replace (or need to repair or replace) a significant portion of a non-complying feature's parts, you must submit an AECR application and receive approval before replacing or changing the entire non-complying feature to bring the feature into full compliance with the **current version of the Guidelines (revised and approved in October 2021)**. As an example, for decks or fences, a "significant portion" includes, but is not limited to, one-third (1/3) or more of the surface decking, railing, boards, or posts.

6.2 Accessibility (Ramps, Railings, Accessory Mobility Structures)

An AECR application and prior approval from the AERC/Board are required for a new accessory mobility structure or any existing approved structure changes.

Examples of this type of structure include wheelchair ramps or lifts, stair lifts and railings, and changes to walkways or decks to assist the resident's mobility. When designing an accessibility structure, consider creating a design that is harmonious, to the extent possible, with the style and color scheme of the residence.

Materials often used include metal, natural wood, and synthetic materials such as composite decking and vinyl railings.

Application Requirements:

- 1) A site plan showing the location of the proposed structure drawn to the proper scale. Dimensions must be included.
- 2) Elevation drawings of the proposed structure that include dimensions. Include views of all visually affected sides of the property.
- 3) A description of the materials to be used for the structure, including color and style.
- 4) Color photo, samples, brochure, and/or manufacturer's drawing of the proposed equipment such as a chairlift or a prefabricated metal ramp.
- 5) Details about any additional alterations that will be installed to accommodate the mobility structure, such as lighting, landscaping, or pathways.
- 6) Contractor's statement of work
- 7) Estimated completion date

6.3 Air Conditioners (Window Units)

Air conditioning units extending from windows or installed in exterior walls of homes are prohibited.

An AECR application may be submitted for consideration and an exception due to medical circumstances.

Exterior air conditioning or heat pump units may be added or relocated only when they do not interfere visually or acoustically with neighbors.

6.4 Arbors and Trellises

An AECR application and prior approval from the AERC/Board are required to install arbors and trellises.

Whether on decks or above patios or in the yard, Arbors must not interfere with neighbors' view.

Application Requirements:

- 1) Site plan, photo, or diagram of the home showing the proposed location of the arbor.
- 2) Material description, including the color, the dimensions, and the style.
- 3) Contractor's statement of work
- 4) Estimated completion date

6.5 Attic Ventilators

An AECR application and prior approval from the AERC/Board are required to install or replace attic ventilators.

Other than ridgeline ventilation devices, attic ventilation devices must be placed on the roof's rear slope of the house away from Waters Row Terrace and must not extend above the roof's ridgeline.

The ventilator color and finish must match or complement the color of the existing roof color of shingles.

Attic ventilators or other mechanical apparatuses requiring the roof's penetration must be as small in size as is functionally practical. Wind-powered vents are prohibited.

Application Requirements:

- 1) Site plan, photo, or diagram of the home showing the proposed location of the attic ventilator.
- 2) Material description, including the location, color, dimensions, and style.
- 3) Contractor's statement of work
- 4) Estimated completion date

6.6 Chimneys and Flues

An AECR application and prior approval from the AERC/Board are required for installing/replacing chimneys, flues, and fireplaces.

Large metal flues and chimney caps must be painted a black matte color, and any vent through the roof should be painted to match the roof color.

For end units, the chimneys must be masonry on the exterior of the building.

Application Requirements:

- 1) Site plan showing the relation of chimney/metal flues to the house, property line, and adjacent neighbors.
- 2) Picture and/or detailed drawing of chimney, metal flue to include dimensions.
- 3) Color and style of the house. If a chimney was a builder option, state how the chimney differs from the builder option.
- 4) Description of materials being used to construct chimney. If the brick is being used and there is brick already on the house, the brick colors must match exactly.
- 5) Contractor's statement of work
- 6) Estimated completion date.

6.7 Color Changes

An AECR application and prior approval from the AERC/Board are required **before changing the color or color properties** of any permanently installed and/or built-in structure of item on your Lot/property and any of its permanently installed and/or built-in parts (including, but not limited to, decks, doors, visible hardware, lights, patios, porches/landings, steps, railings, roofing materials (such as shingles and vents), shutters, siding, house trim, windows, etc.).

"Changing the color" includes any change whatsoever in color properties (such as brightness, hue, intensity, luminance or lightness, purity, quality (independent of brightness), saturation, shade, time, tone, or value.)

An AECR application is not required for routine maintenance on exterior features if you are not changing the color of any of the characteristics listed at the beginning of Guidelines, Section 6.

The approved colors listed throughout these Guidelines may not be appropriate for all projects and are not automatically approved for any project, except as specifically listed in these Guidelines. Whether or not the approved colors and finishes listed in these Guidelines are appropriate for your project depends on your specific situation's details.

You must check the rules and regulations listed in the Guidelines for your project's specific requirements before submitting an AECR application.

Your request will be reviewed in accordance with the general criteria for reviewing AECR applications listed in these Guidelines, but it may not be approved.

6.8 Concrete Sealant (Front Porch/Landing/Steps)

*At the October 24, 2011, HOA Board Meeting, the Waterford Place HOA Board of Directors voted to approve **Home Depot Behr White Cloud concrete stain/sealant** to be used to stain the front steps, landings, and porches (where appropriate) of the Waterford Place community homes.

*At the June 21, 2021, HOA Board Meeting, the Waterford Place HOA Board of Directors voted to approve two additional concrete stains/sealants to be used to stain the front steps, landings, and porches (where appropriate) of the Waterford Place community homes.

- Home Depot Behr Premium #PFC-28 Desert Sandstone Solid Color Flat Interior/Exterior Concrete Stain
- Home Depot Behr Premium #PFC-31 Traditional Tan Solid Color Flat Interior/Exterior Concrete Stain

6.9 Decks and Patios

6.9.1 Decks

An AECR application and prior approval from the AERC/Board are required for new deck installations and/or replacing existing decks. In addition, any sealant/finisher/wood protector/preservative used on a deck requires an AECR application and prior approval.

An AECR application is not required for general deck maintenance if there is no change in material, color, dimensions (footprint), style/design, and height of the existing deck. One-off board replacement of deck flooring or railings is considered maintenance. However, any sealant/finisher/wood protector used on a deck requires an AECR application.

Decks are defined as a permanent structure attached to the rear of the house, with weather-exposed flooring and railing (typical). Decks should be constructed of durable materials. Decks should be made using natural pressure-treated wood or acceptable composite material. If composite material is used, it should be earth tone in color or complement the siding color. In addition to Association rules, all decks must comply with Montgomery County specifications.

Replacement of an existing deck requires prior AERC or Board approval.

- 1) **Materials**: Decks must be constructed of either cedar, redwood, pressure-treated lumber, PVC composite lumber. This includes the substructure, flooring, railing, stair, and permanent accessories. Any deviation from this requirement must be specifically requested in the ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST application and will be considered on a case-by-case basis.
- 2) **Building Codes**: All construction must conform to Montgomery County Codes. Approval for construction by the Association does not guarantee that the structure will meet the code. The homeowner's responsibility is to ensure that the structure will meet County codes and pass County inspections. The Association's approval is required before requesting a permit from Montgomery County.
- 3) **Design**: Decks are suitable for above grade. The county code should be followed for safety rails. Porch swings suspended below decks, partial trellises, and similar accessories must be included in the AECR application for architectural and environmental changes.

NOTE: Screened Decks and Raised Decks (wood patio structures) are not permitted.

- 4) **Placement**: Decks will be located at the rear of the home. No deck should wrap around the side or laterally

protrude beyond the edge of a home. A deck's placement should not require removing any trees of more than six (6) inches in base trunk diameter unless approved by the AERC. All property boundaries and easements must be shown on the application.

- 5) **Finish:** Decks may be left natural or sealed/finished in a wood protector/preservative. **Any sealant/finisher/wood protector/preservative used on a deck requires an AECR application and prior approval before the finisher/sealant may be applied to the deck.**
- 6) **Drainage:** If changes in grade or other conditions that affect the drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.

Homeowners with attached decks are encouraged to utilize the periodic free deck maintenance inspections offered by the Montgomery County Department of Permitting Services to help homeowners maintain a safe and sound structure (deck). More info is available at <https://www3.montgomerycountymd.gov/311/Solutions.aspx?SolutionId=1-4X0AWG>

Application Requirements:

- 1) A site plan showing the relationship of the deck to the house.
- 2) Descriptive drawing including dimensions, height above grade, and details of railings and stairs.
- 3) Composite material samples, color photo, and/or brochure, if applicable.
- 4) Name and description of wood protector/preservative/sealant to be used, if applicable.
- 5) Description of any plantings to be removed for the deck's construction and any equipment such as meters or heating/air conditioning sources that will be relocated.
- 6) Any changes in window or door locations
- 7) Description of the proposed installation of and/or changes in exterior lighting
- 8) Contractor's statement of work.
- 9) Estimated completion date.

Any key parts of your proposed project that are not specifically identified in your AECR application are not included in any approval you receive. If you install key elements that are not specifically described in your proposed project AECR application, you may be required to return your property to its original condition at your own expense.

See Guidelines, Section 2.1 – Methods and Materials for further guidance regarding methods and materials.

6.9.2 Patios

An AECR application and prior approval from the AERC/Board are required for new patio installations and/or replacing existing patios.

Patios must be no higher than six (6) inches above the ground.

Materials allowed:

- 1) Concrete – reinforced
- 2) Brick, Block, or flagstone. If brick is used, then a sturdy barrier must surround the patio's perimeter.

NOTE: Wood patio structures are considered decks and are prohibited. (10/2021)

Placement:

- 1) Patios will be located at the rear of the home. No patio should wrap around the side or laterally protrude beyond the rear edge of a home. Placement of a patio should not require removing any trees more than six (6) inches in base trunk diameter unless approved in advance by the AERC/Board. All property boundaries, side and rear property lines, set-offs, and easements must be considered in placement.

Drainage:

- 1) If changes in grade or other conditions that affect the drainage are anticipated, they must be indicated. Approval will be denied if adjoining properties are adversely affected by changes in drainage.
- 2) In all cases where a patio is contemplated, serious consideration should be given to make ground-level surfaces or porous material or provide mulched beds to offset additional impervious patio areas.

6.10 Dog Houses

An AECR application and prior approval from the AERC/Board are required for all dog houses.

- Dog houses should be placed as close to the home as possible and must not be placed where they could create a nuisance condition. To ensure adjacent neighbors' privacy, dog houses must be located at least 10 feet from the property line.
- Dog houses shall be constructed of pressure-treated lumber, T-111 wood, or aluminum/vinyl siding.
- Dog houses may be left in natural or shall match the existing colors of the house. Paint and opaque stains are permitted.
- Height, size, style, and placement shall be reviewed by the AERC.
- Roofing color and materials shall match the existing home.
- Fencing must be provided and should be consistent with the Fences guidelines.

No dog pens, dog runs, and facilities for other animals are not permitted.

Application Requirements:

- 1) A site plan showing the location of the proposed doghouse.
- 2) Material description, including the dimensions, color, and style.
- 3) Color photo, brochure, and/or drawing.
- 4) Estimated completion date

6.11 Doors (Exterior)**6.11.1 Exterior Door – General Info**

You should read the entire Exterior Door Section to be sure you know all the relevant guidelines.

All references to "door" or "doors" in this section should be understood to include (as applicable) all of the parts of a door, including, but not limited to, door trim, transoms (the windows above an exterior door – including the trim of the transoms), door windows (including the trim of the door windows), and similar items.

You do not need to submit an AECR application to paint your exterior door the same/original color (as determined by the Builder), except as noted for non-complying features.

You must submit an AECR application and receive prior approval before:

- 1) Installing or removing an exterior door or any visible hardware attached to or associated with the exterior door (such as deadbolts, door handles, door knockers, and kick plates, etc.); or
- 2) Changing the characteristics (as listed at the beginning of Guidelines, Section 6) of your exterior door, except as specifically allowed in this section.

Your entire exterior door must be appropriately finished using cladding, coating, covering, laminate, paint, paneling, sealer, or similar finishes, as appropriate, as needed, and as recommended by the manufacturer or required for proper maintenance and complying with all related guidelines.

For exterior doors, the following levels of polish (sheens) are allowed:

- 1) Satin, finish (a brushed, eggshell, or very slightly finish); and
- 2) Semi-gloss finish (a slightly shiny finish).

For exterior doors (Except for door hardware), the following levels of polish are **not** allowed:

- 1) Matte finish (a dull, flat, or not shiny finish)
- 2) Gloss finish (a polished or shiny finish); and
- 3) High gloss finish (a very polished or very shiny finish).

Your exterior back door's polish level must match your house trim's (almond) polish level.

Only completely solid (unable to be seen through, non-transparent, and non-translucent) finishes are allowed for back doors. In addition, your entire exterior back door must be painted the same color as your exterior front door trim (almond) and your house trim (almond) – regardless of:

- 1) Door location (for example, whether or not the door opens onto a deck or your backyard);
- 2) Door style/type.

Natural wood (or the appearance of natural wood) and stained wood (or the appearance of stained wood) are not allowed for exterior back doors.

You are not allowed to use more than one (1) solid color (almond) on any exterior back doors.

Your exterior front door color must match the color of your shutters (if applicable) and must not be the same color as your exterior house trim color (almond). (See the approved and *builder-selected* colors listed below.

All of your exterior door trim must be the same color as your house trim (almond).

For exterior door **hardware**, the following colors are allowed:

- 1) Brass
- 2) Bronze

For exterior door hardware, the following colors are **not allowed**:

- 1) Aluminum
- 2) Black
- 3) Basic galvanized steel
- 4) Chrome-plated
- 5) Nickel
- 6) Silver
- 7) Stainless steel
- 8) Designer finish variations of these colors

All of your exterior front door hardware must be the same color, have the same finish features, must have the same designer finish variations. The style type must be the same or consistently like the style type as the builder's original design.

6.11.2 Exterior Door (Replacement)

An AECR application and prior approval from the AERC/Board are required to replace any existing exterior door (front, rear, garage).

Replacement doors must match existing door designs used by the builder (Ryan Homes). Any other style must be submitted in writing and included with the AECR application documentation for review and approval by the AERC/Board.

Application Requirements:

- 1) Photograph of the existing door.
- 2) Photograph of the proposed door.
- 3) Color indication of the exterior door and the existing front, rear, etc., door.
- 4) Location of doors (front, rear, etc.).

6.11.3 Exterior Trim, Garage Door (where applicable), and Rear Doors: Colors selected by the builder.

[Duron Paint]

- 1) Almond – Latex Acrylic House Paint

6.11.4 Exterior Front Doors and Shutters (where applicable): Colors selected by the builder.

[Duron Paint (Mixed to McCormick Colors)]

- 1) Georgetown Green – A dark green color
- 2) Deep Forest Brown – A dark brown color
- 3) Cobblestone Gray - A dark gray color
- 4) Farmhouse Red – A brick red color
- 5) Old Colonial Red – A red-brown color
- 6) Hearthstone – A blue-gray color

6.12 Storm Doors

An AECR application and prior approval from the AERC/Board are required for **all storm doors** (new or replacement doors).

6.12.1 Front Exterior Storm Door

Storm doors located on the home's front exterior must be "full view" style with no colored or stained glass or bars.

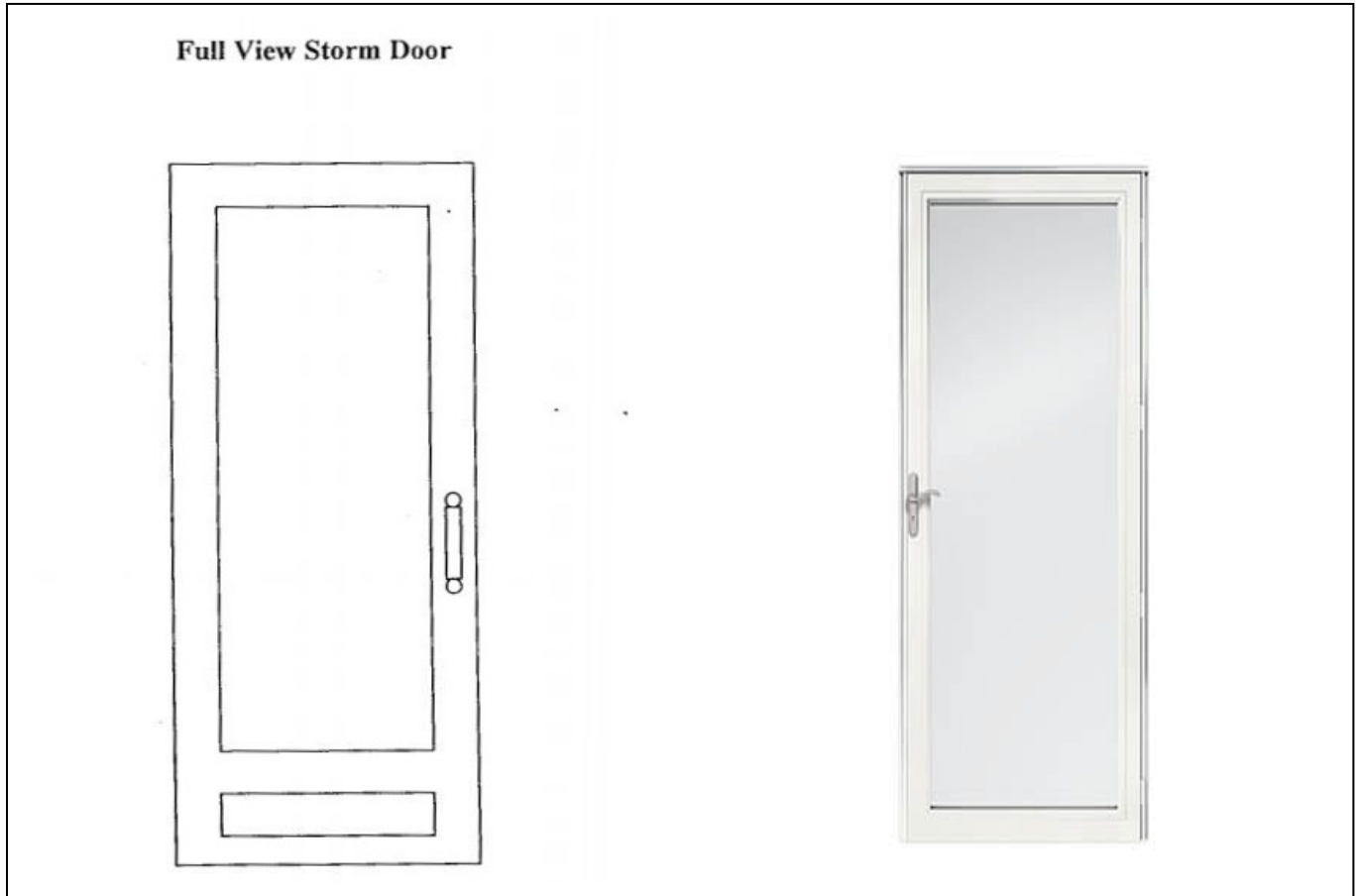
Storm doors are to be of straightforward design without any decorative embellishment. Therefore, grids and security bars are generally not permitted. **(See approved sample storm door styles below.)**

Frame color must match the color of either the main house front door or the color of the trim (almond) surrounding the main house front door.

Application Requirements:

- 1) A color photo or brochure showing the door style and proposed color.
- 2) Material description, to include the color, dimensions, and style.
- 3) Description of any glass inserts.

Approved Storm Door Design (Front Exterior)



6.12.2 Rear Exterior Storm Door

Storm doors located on the home's rear exterior must be either "½ or ¾ Light Panel Ventilating Storm Door" style with no colored or stained glass.

Storm doors are to be of straightforward design without any decorative embellishment. **(See approved sample storm door styles below.)**

Frame color must match the color of either the exterior rear door (almond) or the color of the trim (almond) surrounding the exterior back door.

Application Requirements:

- 1) A color photo or brochure showing the door style and proposed color.
- 2) Material description, to include the color, dimensions, and style.
- 3) Description of any glass inserts.

Approved Storm Door - $\frac{3}{4}$ Panel Ventilating Design (Rear Exterior)**6.12.3 Security Doors – General Info**

You must submit an AECR application and receive approval for the installation of any type of security doors with ornate grills, security bars, or a door that incorporates security door characteristics or similar items on any of the doors of your house. The WPHOA AERC/Board of Directors reserve the right to deny a security door if it is not aesthetically compatible.

6.12.4 Pet Doors – General Info

Pet doors must only be installed on doors that open into your backyard. Therefore, pet door installations that open into your front yards are not allowed.

6.12.5 Garage Doors – General Info [*applies to garage townhomes only*]

An AECR application and prior approval from the AERC/Board are required to replace any existing garage door.

You must not change the color or style of your townhouse garage door unless you are replacing the original garage door installed by the builder.

Your replacement townhouse garage door must match the style and color of the new/replacement garage doors that have been approved by the AERC/Board in the Waterford Place community (see sample below.)

- 1) The door contains only standard, unembellished windows.
- 2) The windows must be on the second row from the top of the garage door.
- 3) The door matches the color of the house siding or trim (almond).
- 4) All garage doors throughout the community must match in style, material, and color.

Application Requirements:

- 1) Color photo of the existing garage door; match trim (almond)
- 2) Color photo or brochure of the proposed garage door, showing the color and style
- 3) Material description, including dimensions, color, and style; Short panel, raised, windows on 2nd row from the top
- 4) Contractor's statement of work
- 5) Estimated completion date

Garage Door Sample (Acceptable/WPHOA Board-Approved)



6.13 Driveways [applies to townhomes with garages/driveways]

An AECR application and prior approval from the AERC/Board **are required** for all driveway replacements and/or resurfacing.

Driveways should be replaced and/or resurfaced with the same material (asphalt) used in the existing driveway. Scalloped edging is not permitted along driveways.

An AECR application is not required to apply a fresh coat of sealant to asphalt driveways.

Application Requirements:

- 1) A site plan showing the dimensions of the proposed driveway in relation to existing structures and property lines.
- 2) Material description, including color, texture, and style.
- 3) Material sample, color photo, and/or brochure showing the proposed design and color (black).
- 4) Contractor's statement of work
- 5) Estimated completion date

6.14 Electronic Insect Traps

An AECR application and prior approval from the AERC/Board are required for the electronic insect traps.

Electronic insect traps will be regulated based on the same criteria as exterior lighting. Also, no device shall be installed or maintained in such a way to cause discomfort to adjacent homeowners from noise and may only be operated during those times when the homeowner or guests occupy the immediate area protected by the trap.

Application Requirements for Electronic Insect Traps and Exterior Lighting

- 1) Site plan showing the relation of the insect trap or lighting to the house, property line, and adjacent neighbors.
- 2) Picture and/or detailed drawing of the insect trap or lighting to include all dimensions and height of fixture above ground.
- 3) State wattage of the bulb to be used.
- 4) Estimated completion date

6.15 Exterior Lights/Lighting

An AECR application and prior approval from the AERC/Board are required for all exterior lights/lighting (new and/or replacement.)

All exterior lights on the front of the townhome must be the same color and must have the same finish type, features, and style type (lantern).

All the exterior house lights on any back wall/rear of your townhome must be the same color and have the same finish type, features, and style (lantern).

Gold, brass, bronze, and black are the only approved colors for replacement exterior lights for exterior house lights. All versions of these allowed colors (for example, all shades, tints, etc.) are not automatically allowed. (10/2021)

All exterior lights must be directed away from the street, and Dwelling Units/Lots/properties adjacent to your property.

Light fixtures must be attached to the dwelling and/or deck. Walk lights are permitted; but subject to AERC/Board prior approval.

AECR application form must include:

- a. Architectural style (lantern)
- b. Color of the light fixture (**gold, brass, bronze, and black are the only approved colors**) (10/2021)
- c. Materials
- d. Photo of the existing light fixture
- e. Photo and description of the replacement light fixture
- f. Location of the fixture on the homeowner's Lot/townhouse
- g. Height of the light fixture above the ground (if walk lights)

Holiday lights/lighting do not require an AECR application; however, certain restrictions do apply. (See Guidelines, Section 7.6.1 – Temporary Holiday, Seasonal Ornaments, Decorations for more information.)

6.16 Exterior Structures Not Addressed Elsewhere

An AECR application and prior approval from the AERC/Board are required for all exterior structures and modifications not expressly identified and/or not addressed elsewhere in these Guidelines.

6.17 Fences

See Guidelines, Section 2.1 – Methods and Materials for further guidance regarding methods and materials.

6.17.1 Property Border/Boundary Fences/Party Walls

An AECR application and prior approval from the AERC/Board are required for all fences (new or replacements).

It is the homeowner's responsibility to verify that the fence will be constructed within the homeowner's Lot lines based on the legal description of the property. Failure to construct a fence within the Lot/property lines could result in the homeowner being required to remove the fence at the homeowner's expense. Fences may not be erected on the property line. Fences must follow and be erected completely inside of the property line.

It is strongly recommended that homeowners complete a professional property survey prior to completing and/or submitting an AECR application form to install or replace a fence.

It is the homeowner's responsibility to ensure that property lines are established and that no encroachment results.

Residential fences must be constructed of wood. Any fence constructed upon the homeowner's Lot/property shall be substantially similar in design, dimension, and material to the fences installed by the builder. [Source: *Covenants, Article VII, Section 10*]

Fencing should be of the same material, height, and railing style. All fences shall be six (6) feet in height in an alternating board-on-board style (see approved sample in these Guidelines). Gates should match the fence in material, style, color, and height. All gates must swing onto your property.

End unit fences may extend to the midpoint of the sidewall with the written prior approval of the AERC/Board.

It is intended that fencing completely encloses the rear yard of the property.

Front yard fencing, stockade (solid) fencing will not be approved.

Chain link and other wire fencing are specifically prohibited. [Source: *Covenants, Article VII, Section 10*]

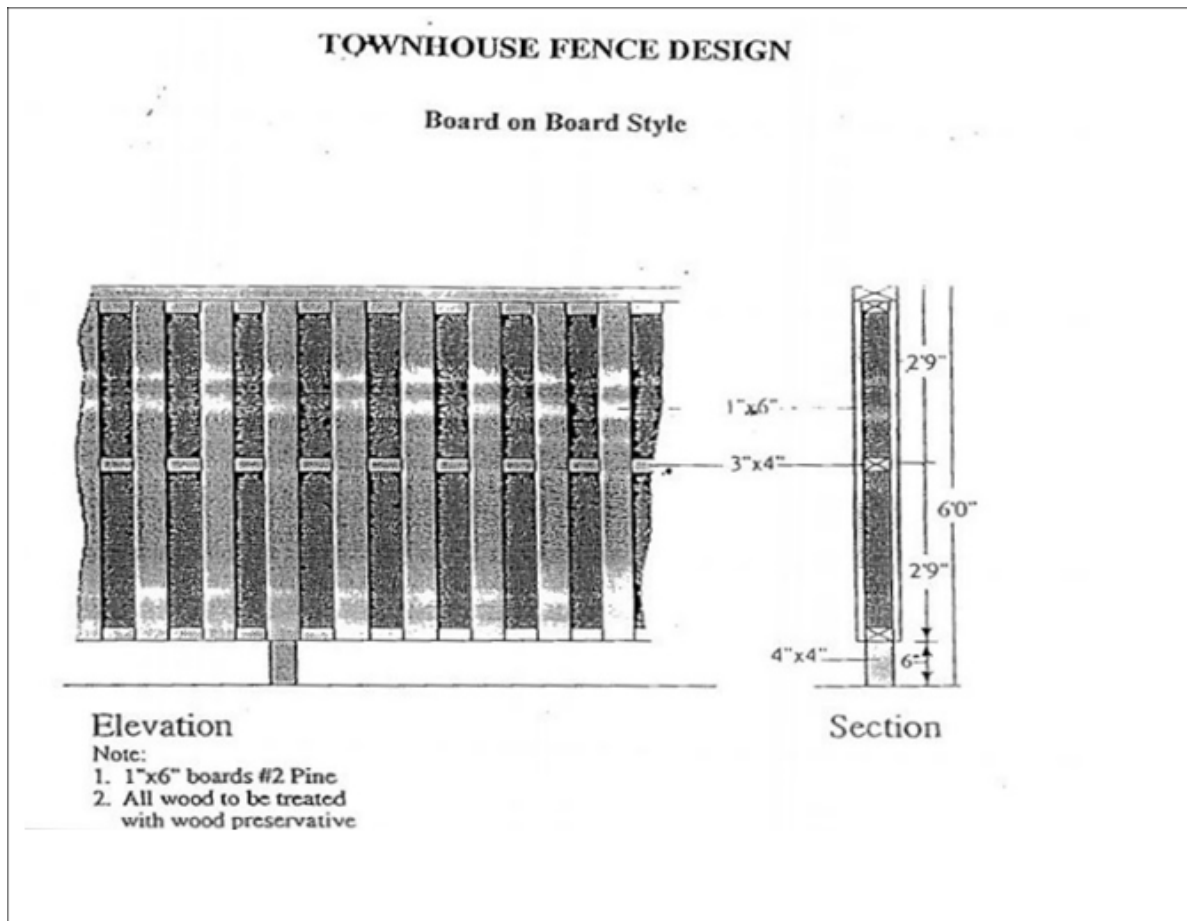
The maintenance of a fence is the responsibility of the fence owner. All fences are to have the "finished" side on the outside. The exterior side facing outside should be a natural color of the wood. (Clear coating finish/preservative as used on the deck, if applicable.)

Consideration is to be given to applicable County restrictions regarding proximity to existing right-of-way (corner Lots).

While fencing can be used to create private outdoor spaces, homeowners should also consider ventilation. A private space with no cooling breezes in the summer can be unpleasant. A spaced, alternating board-on-board style fence allows natural ventilation while affording varying degrees of privacy.

Application Requirements:

- 1) Fence style and material (wood only, *see Covenants, Article VII, Section 10*)
- 2) Color of the fence (natural wood color)
- 3) Dimensions
- 4) Site plan which shows the relationship of the fence to adjacent houses and open spaces and property lines
- 5) Signature of all homeowners adjacent to the proposed fence and most affected by the fence. (May be submitted electronically "cc:" to the AERC at hoaerc@waterfordplacehoa.org.)
- 6) Contractor's statement of work
- 7) Estimated completion date

Fence Style/Design (Acceptable/Approved)**6.17.2 Privacy Fences and Screening**

An AECR application and prior approval from the AERC/Board are required for all privacy fences or screening.

6.18 Grills and Fire Pits (Permanent; Outdoor)

An AECR application and prior approval from the AERC/Board are required for all permanent grills and fire pits.

Permanent grills/fire pits must be placed in the rear of the house, at least fifteen (15) feet from the dwelling and 10 feet from the rear and side property lines, and must conform to Montgomery County code/ordinances regarding fire safety.

Fire pits should be no more than 4 feet in diameter and no more than 2 feet in height.

Fire pits must include a spark-resistant screen that fits on top of the pit.

Application Requirements:

- 1) A site plan showing the proposed location of the grill or fire pit in relation to the existing structures and property lines.
- 2) Indicate the distance from the home and the property lines and adjacent neighbors.
- 3) Material description, including the dimensions and color.
- 4) Description of grill or fire pit base and fire pit cover.
- 5) Color photo, brochures, and/or drawing.
- 6) Estimated completion date.

6.19 Gutters, Down Spouts, and Drainage Systems (Replacements)

An AECR application and prior approval from the AERC/Board are required to replace gutters and downspouts.

Repaired or replaced gutters and downspouts must be the same as the existing gutters and downspouts. Gutters and downspouts must match existing gutters and/or downspouts in color (almond), design, and material and must not adversely affect drainage on adjacent properties.

Location: The drainage patterns of adjacent property shall not be adversely affected. No direct drainage onto common areas, adjacent Lots/properties, or adjacent sidewalks is permitted.

Color: Gutters and downspouts must be consistent with the overall color scheme of the townhouse; and must match as closely as possible to the trim color (almond) of the house. Changes in colors are not allowed.

Design & Structure: A factory-applied finish is required.

Underground Drainage Pipe: Black corrugated plastic underground drainage pipe is permitted but may not direct drainage onto common areas or adjacent Lots/properties. NOTE: An AECR application is not required for drainage systems that do not adversely affect drainage on the common areas and/or adjacent Lot/properties and are not visible.

Covers: An AECR application is not required for gutter covers that are compatible with the color and style of the existing roof and/or gutter.

Application Requirements:

- 1) A site plan showing the proposed location of the gutters and downspouts
- 2) Indicate the distance from the home and the property lines, and adjacent neighbors.
- 3) Material description, including the dimensions and color.
- 4) Description of gutter and downspouts
- 5) Color photo, brochures, and/or drawing.
- 6) Contractor's statement of work.
- 7) Estimated completion date.

6.20 Hot Tubs and Whirlpools

An AECR application and prior approval from the AERC/Board are required for all hot tubs and whirlpools.

Hot tubs and whirlpools shall be located to the rear and between sidewalls of the residence and generally not more than twenty (20) feet from the house.

They shall not protrude more than four (4) feet above the adjacent ground or deck level, shall not be more than eight (8) feet by fourteen (14) feet in size, and shall be of a material that will blend with surrounding structures.

Hot tubs and whirlpools must be covered when not in use.

Privacy fences of screening are strongly recommended.

In addition to regular AECR requirements, a complete hot tub and related equipment AECR application must include a description of water supply and disposal systems.

Residents should keep in mind that not all Lots are suited to hold a hot tub or whirlpool. In addition, all hot tubs and whirlpools must comply with Montgomery County regulations.

Application Requirements:

- 1) A site plan showing the proposed location of the hot tub, swim spa, or whirlpool.
- 2) Indicate the distance from the home and the property lines, and adjacent neighbors.
- 3) Material description, including the dimensions and color.
- 4) Description of hot tubs, swim spas, or whirlpool
- 5) Color photo, brochures, and/or drawing.
- 6) Contractor's statement of work.
- 7) Estimated completion date.

6.21 House Numbers (Replacements)

An AECR application and prior approval from the AERC/Board are required for house number replacements.

House numbers must be the same font type and style provided by the original developer/builder (NVR/Ryan Homes) and must be in accordance with Montgomery County Code.

NOTE: All house numbers must comply with Montgomery County regulations requiring that new or replacement numbers be at least five inches (5") in height and cannot be more than six inches (6") in height [WPHOA regulation (10/2021)].

6.22 Landscaping (Hard)

An AECR application and prior approval from the AERC/Board are required for hard landscaping projects. Refer to the appropriate sections in these Guidelines (e.g., **fences, privacy fences, screening, exterior structures, decks, patios, etc.**) for additional AECR application requirements for specific **hard landscaping projects**.

6.23 Major Remodeling, Alterations, and Construction Activities

An AECR application and prior approval from the AERC/Board **are required** for all major building remodeling, additions, alterations, and construction activities.

Major alterations are those which substantially alter the existing structure either by subtraction and/or addition. However, other site changes, such as driveways, garages, and deck modifications, are also included.

- 1) Compatibility/Uniformity in design and color scheme: Any exterior addition or modification to an existing building shall be compatible in scale, materials, and color with the original, builder-selected design character and adjacent homes in the Waterford Place community.
 - a. Siding: All new/replacement siding must remain in style and color match to the home's original, builder-selected color scheme.
 - b. Roofing/Shingles: All new/replacement roofs must remain in the original color scheme and architectural or dimensional-style shingles.
 - c. Windows: All new/replacement windows and exterior doors should match the type, style, and color used in the homeowner's house and be located in a manner related to exterior openings in the existing house.
 - d. Lighting Components: AECR applications that have a lighting component must include "cut sheets" detailing the complete specifications of the lighting including, but not limited to, size, overall dimensions, color, wattage, lumens of the lamps, and **confirmation that the lighting is Montgomery County, Maryland "Dark Skies" compliant**. (Contact MNCPPC at 301-495-4605 for more information about the County's compliance requirements.)
 - e. Drainage: If changes in grade or other conditions that affect drainage are anticipated, they must be indicated. **Approval will be denied if adjoining Lots/properties are adversely affected by changes in drainage.**

- 2) Impact on Adjacent Lots/Properties: Major alterations' location should not impact the views or amount of sunlight and natural ventilation on adjacent Lots/properties.
- 3) Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess materials should be immediately removed (within 14 calendar days) after completion of construction.
- 4) All construction debris and trash containers must be located on your property – not on the street or common areas. If construction debris or trash is blown or carried off your property onto other properties or common areas in the community by animals, machines, people, vehicles, or weather, you must pick up all of the debris and trash as soon as possible and dispose of it correctly and as specified in these Guidelines. No debris may be allowed to accumulate during construction.

Application Requirements:

- 1) Site plan showing the location of the proposed structure and relationship to the property lines and adjacent houses.
- 2) Detailed drawings and plans, including the exterior elevations and dimensions.
- 3) Description of materials (as applicable), including the type of siding on the dwelling and proposed structure, color of proposed structure and trim, exterior lighting arrangements, etc.
- 4) The final application should be a duplicate of those documents which are to be submitted to Montgomery County for a building permit (if applicable). It should also include colors, materials, and drawings or photographs as required to illustrate the relation of the alteration to the applicant's house and adjacent houses where necessary.
- 5) Contractor's statement of work.
- 6) Landscaping plans (if applicable).
- 7) Estimated completion date.

6.24 Play Equipment and Semi-Permanent/Permanent Recreation Equipment

An AECR application is not required for playsets constructed of wood and no larger than ten feet wide by ten feet deep by ten feet high (10' W x 10' D x 9' H) when measured from the point the playset touches the ground to the highest point of the structure including any canopy, but excluding any reasonably sized decorator features less than two feet (2') in height (for example, flags).

An AECR application is not required for playhouses constructed of weather-resistant materials and/or treated with appropriate preservative/sealant, stain or paint and no larger than four feet wide by four feet deep by four feet high (4' W x 4' D x 4' H).

Semi-permanent recreation and play equipment are items that may be relocated but generally remain in one place. Permanent equipment is items that are permanently anchored or attached in a fixed location. This equipment remains in place even when not in active use. Semi-permanent and permanent equipment includes, but is not limited to, swings, gymnastic sets, volleyball nets, portable or collapsible basketball backboards designed to exceed nine feet (9') in height, jungle gyms, trampolines, playsets, and playhouses.

Semi-permanent and permanent equipment must be located in the backyard. The only exception to this requirement is for basketball backboards.

6.24.1 Basketball Equipment

An AECR application is required for basketball equipment, freestanding or attached, temporary or permanent. Freestanding poles include portable basketball hoop systems.

Residential basketball equipment may be used at garaged townhomes only. The AERC will consider both portable and permanent installed basketball goals.

Freestanding basketball poles and backboards, hoop systems (temporary or permanent) shall not be placed in the road (Waters Row Terrace) or the community common areas (sidewalks or parking lots).

The backboard may be mounted on freestanding poles (without support wires.)

Basketball play is limited to the hours between 9:00 a.m. and 9:00 p.m. Waterford Place residents are asked to be mindful of their neighbors and adhere to the **Montgomery County Noise Law** - <https://www.montgomerycountymd.gov/DEP/Resources/Files/downloads/compliance/Noise-control-ordinance.pdf> which restricts the allowable noise levels for residential communities in Montgomery County.

The Board may, from time to time and at its sole discretion, establish additional rules and regulations pertaining to the location and use of basketball goals.

The AERC/Board must approve any exceptions to the above.

Application Requirements:

- 1) Site plan showing the relation of proposed play equipment to adjacent property lines, applicant's townhouse, and adjacent townhouses.
- 2) Site plan showing the relation of pole
- 3) Photograph and/or sketch of proposed play equipment
- 4) Dimensions
- 5) Color and material
- 6) Estimated completion date

6.25 Exterior Decorator Objects and Garden Objects

In order to allow homeowners to individually express themselves, a limited number of portable decorations may be displayed in front and/or side yards (end units) without submitting an AECR application.

Decorator objects/garden ornaments include, but are not limited to, welcome signs and other decorative signs, statues and other sculptures, planters, and plant pots, hanging plants and hanging plant stands, gazing balls, whirligigs, birdhouses, pinwheels, sundials, and weathervanes.

For the purposes of the Guidelines, decorator objects/garden ornaments are divided into the following categories:

- 1) **Portable decorations** – decorator objects/garden ornaments no larger than two feet wide by two feet deep, by two feet high (2' x 2' D x 2' H);
- 2) **Planters and plant pots** – hanging plant stands and hanging plant pots, planters, plant pots; and
- 3) **All other decorator objects/garden ornaments** – for example, decorator objects/garden ornaments that exceed the two feet wide by two feet deep by two feet high (2' x 2' D x 2' H) portable decoration size criteria and are not planters or plant pots, or hanging plant stands or hanging plant pots.

Artificial flowers and plants are prohibited except for seasonal ornaments and decorations (see Guidelines, Section 7.6 – Temporary/Seasonal Ornaments, Decorations, and Signs).

In consideration of the impact that decorator objects/garden ornaments may have on community aesthetics and the average size of the front and side yards of townhouses, the number of portable decorations that may be displayed without submitting an AECR application is limited to a total of two (2) portable decorations.

- 1) An AECR application and prior approval from the AERC/Board are required for a total of **more than two (2)** portable decorations displayed on the front and side (end units) yards.
- 2) An AECR application and prior approval from the AERC/Board are required for a total of **more than eight (8)** reasonably sized flowerpots and/or planters.

It is anticipated that containerized plants will be used as decorative accents rather than for intensive decorator gardening.

- 1) An AECR application is **not** required for hanging plant stands and hanging plant pots. However, hanging plant stands and hanging plant pots must be removed when the plants die.

An AECR application and prior approval from the AERC/Board are required for all other decorator objects/garden ornaments (i.e., objects/ornaments not listed above).

AECR applications for decorator objects/garden ornaments (small or large) will be evaluated based on the factors listed in Guidelines, Section 5.5.1 – AERC Review Criteria, including whether the decorator object/garden ornament is consistent with a suburban residential neighborhood.

If the AERC and/or Board determines that any decorator object/garden ornament, for which an AECR application was not approved is not consistent with a suburban residential neighborhood, the homeowner will be required to remove the decorator object/garden ornament at the cost of the homeowner. To obtain pre-approval from the AERC and/or Board, an AECR application may be submitted for any decorator objects/garden ornaments, even if an approved AECR application is not required.

6.26 Water Features

An AECR application and prior approval from the AERC/Board are required for water features (e.g., ponds, fountains, etc.). In addition, water features must be properly maintained and must not create unpleasant odors of unsightly growths (i.e., algae).

In addition to all regular AECR application requirements, a complete water feature AECR application must include, if appropriate, a description of water supply and disposal systems.

6.27 Walls, Retaining Walls, and Landscaping Border Features

An AECR application and prior approval from the AERC/Board are required for walls and retaining walls constructed of any material and for rocks, bricks, bushes, trees, and other materials that give the appearance of a wall or retaining wall in any location with the property.

6.28 Permanent Professional Signs

The placement of all signs, including temporary signs, must follow Montgomery County Zoning Ordinance (59.6.7). See <https://www.montgomerycountymd.gov/DPS/Process/zspe/sign-permit.html> and <https://www3.montgomerycountymd.gov/311/Solutions.aspx?SolutionId=1-4RPEXC> for more information and sign regulations for signs on private residential property in Montgomery County.

Signs should be neatly lettered, clean, have a professional appearance, and be maintained in good condition.

An AECR application and prior approval from the AERC/Board are required for a permanent professional sign.

You may only have one (1) professional sign, which must not exceed two square feet (2') in the area and must not be illuminated. (See *Covenants, Article VII, Section 8, Paragraph K.*)

Application Requirements:

- 1) Material description of the sign(s), to include the color, font wording, location, size, material, and shape, must be provided.
- 2) Color photos, samples, or manufacturer's brochures of the proposed materials, colors, etc.
- 3) A site plan showing the location of the sign(s) to adjacent houses, open spaces, and property lines.
- 4) Estimated completion date

6.29 Radon Mitigation Units

An AECR application and prior approval from the AERC/Board are required for radon mitigation units located on the townhome exterior.

Radon mitigation units should be located in an area with minimal visual impact. Units on the front or street side of a house are generally not permitted.

The pipe must be located alongside a downspout (on the side or rear of the house only) and painted to match the downspout (almond color). Although the location alongside the downspout is preferred, it would be acceptable for the pipe to be vertically placed on the house's side or rear and painted to match the house. In addition, some landscaping/screens may be required.

Application Requirements:

- 1) A site plan showing the exact location of the proposed radon unit.
- 2) Material description, including dimensions and colors.
- 3) Color photo, brochure, and/or drawing of the unit.
- 4) Contractor's statement of work.
- 5) Landscaping/screening plan, if applicable.

6.30 Renewable Energy Devices (Solar Panels/Solar Collectors)

An AECR application and prior approval from the AERC/Board are required for all renewable energy devices, including, but not limited to, solar panels, solar water heaters, and similar devices.

All conduits, connections, fasteners, etc., must be concealed and/or colored to match the home to the greatest degree possible. In addition, the conduits, connections fasteners, and other equipment must be installed as far from the street view as possible to limit their visibility.

Solar panels must be installed as close to the roof surface as possible. Large collectors on a sloping roof must appear flush with the roof. Smaller collectors/devices may be laid on top of a sloping roof and finished to appear like a skylight.

Solar collectors/devices should be constructed of glass with a wood or metal trim. All trim should be painted to match the background color of the roof shingles. Solar panel framing shall be black or a similar dark color to match roof shingles. Plexiglass is not acceptable because it has been found to sag and yield an unsatisfactory appearance. All pipework should be concealed.

Freestanding solar collectors/devices must be located behind the structure and completely concealed from the road, neighboring properties, and open space or worked into another architectural element.

NOTE: The homeowner will be held responsible for maintaining solar panels regardless of whether the solar panels are rented/leased, or purchased.

Note: Montgomery County requires building and electrical permits for the installation of renewable energy devices.

Application Requirements:

- 1) Material description, including the dimensions and color.
- 2) Drawing, diagram, or photo of the house showing the proposed location and number of solar devices/collectors.
- 3) Details and/or elevation drawings to showing how the solar device's edges will meet the roof.
- 4) Drawing or diagram showing the location of conduit piping and inverter box.
- 5) Contractor's statement of work.
- 6) Estimated completion date

6.31 Roofs (Replacement)

An AECR application and prior approval from the AERC/Board are required for all changes, installations, and replacements of roofs on the Waterford Place community's townhomes.

The roof must be replaced with one of the WPHOA Board-approved shingles listed below.

Application Requirements:

- 1) Material description to include color and style.
- 2) Color photos, samples, and/or brochures of the proposed material.
- 3) Contractor's statement of work.
- 4) Estimated completion date

Resources: To assist homeowners with selecting roofing that will be considered acceptable colors/brands for replacement roof shingles, the following is a listing of roofing shingles that have received approval by the AERC/Board of Directors in the Waterford Place community. (Any updates to the listing below will be posted on the WPHOA website.)

Manufacturer	Line	Color
CertainTeed	Landmark	Driftwood
CertainTeed	Landmark	Colonial Slate
CertainTeed	Landmark Lifetime	Driftwood
GAF Timberline	HD	Pewter Gray
GAF Timberline	HD	Weathered Wood
GAF Timberline	HD	Oyster Gray
GAF Timberline	Natural Shadow	Pewter Gray
Owings Corning	Duration	Driftwood
Owings Corning	TruDefinition	Driftwood
Pinnacle Pristine	High Performance	Pristine Hearthstone

6.32 Shutters (Replacement)

An AECR application and prior approval from the AERC/Board are required for all shutter changes, including adding shutters, replacing shutters, changing the shutters' color, or altering the shutters' original position.

Shutters are always to remain installed where initially installed by the builder.

Replacements for existing shutters must be the same color and style as the original. In addition, the color must be the same/compatible with the front door.

The original, builder-selected colors for shutters/front doors are as follows:

Exterior Front Doors/Shutters – Duron Paint (Mixed to McCormick Colors)

- 1) Georgetown Green – A dark green color
- 2) Deep Forest Brown – A dark brown color
- 3) Cobblestone Gray – A dark gray color
- 4) Farmhouse Red – A brick red color
- 5) Old Colonial Red – A red-brown color
- 6) Hearthstone – A blue-gray color

Shutter material must be wood, plastic, vinyl, or aluminum.

Application Requirements:

- 1) Material description, to include color and style.
- 2) Location description (all windows, front windows only, upper windows only, etc.)
- 3) Color photos, samples, or manufacturer's brochures of the proposed materials, colors, etc.
- 4) Contractor's statement of work.
- 5) Estimated completion date

6.33 Siding (Replacement)

An AECR application and prior approval from the AERC/Board are required for all siding changes, including adding shutters, replacing siding, changing the siding color, or altering the house's siding original location.

Repaired or replaced siding must match the style and color of the existing siding. **The original siding used by the builder is aluminum siding.**

The AERC/Board will consider applications for vinyl or other artificial siding provided that the existing style and design are maintained.

- 1) Aluminum siding is being replaced with vinyl siding in the same texture, color, and style as the original siding.
- 2) Vinyl siding is being replaced with vinyl siding in the same texture, color, and style as the original siding.

The style of existing trim work at soffits, corners, eaves, windows and doors, accent panels, shutters, or other stylistic features should be retained in the re-siding design. This will be considered an important requirement where these elements contribute to the community's visual continuity by evoking similarities in style among nearby townhomes.

In cases in which a resident wish to alter the stylistic features of the existing façade (for example, by replacing rough, vertical groove paneling with smooth, horizontal clapboard siding; or by adding shutters or accent panels), the decision will be based on the following:

- 1) Size and shape of the residence in relation to existing and proposed materials.
- 2) The variety of styles and siding materials of the homes adjacent to and surrounding the residence.
- 3) The overall visibility of the residence from nearby public and private properties.

NOTE: The homeowner's responsibility is to ascertain whether the proposed building material meets the Montgomery County building and fire codes.

Application Requirements:

Material description, to include color, texture, and style.

- 1) Location description (house, garage, etc.)
- 2) Color photos, samples, or manufacturer's brochures of the proposed materials, colors, etc.
- 3) Contractor's statement of work
- 4) Estimated completion date

6.34 Temporary Storage Unit (i.e., PODS)

An AECR application and prior approval from the AERC/Board **are required** for the use/installation/delivery of a temporary storage (i.e., PODS) unit.

The temporary storage unit (no more than one) shall remain on the Lot for no more than seven (7) calendar days.

The homeowner must contact the Waterford Place HOA Management Agent before having a temporary storage unit delivered to the homeowner's property.

Application Requirements:

- 1) A site plan that shows the location of the temporary storage unit.
- 2) The number of storage units. (Only one unit will be approved.)
- 3) Dimensions/specifications of the storage unit (height, length, depth, width, etc.)
- 4) The dates and timeframes in which the temporary storage unit will remain on the Lot. (Delivery date and pick up date)
- 5) Reason(s) that necessitates the temporary storage unit to remain on the Lot for more than seven (7) calendar days.

For information on temporary storage units, please contact the Montgomery County Department of Permitting Services for more information to ensure compliance with the County code.

<https://www.montgomerycountymd.gov/DPS/Process/ld/pods-permit.html>

6.35 Trees:

You are reminded that the State of Maryland requires that only Maryland Licensed Tree Experts should be hired to trim branches, prune, and remove trees. They are the only tree care professionals who lawfully can perform this work in Maryland. [Source: Natural Resources Article, §§1-104 and 5-415—5-423, Annotated Code of Maryland]

An AECR application and prior approval from the AERC/Board **are required** for tree services (removal, trimming, and pruning) for trees located on your Lot/property. The AERC/Board must approve the AECR application prior to you hiring a tree services company/contractor and starting the tree services work.

Please ensure that the tree services company/contractor you plan to hire is a licensed tree expert in Maryland prior to submitting your AECR application.

The Maryland Department of Natural Resources, Forest Service has a few important suggestions that homeowners should follow before hiring a contractor to do the tree services work.

- 1) Obtain more than one estimate for the proposed work
- 2) Receive a written contract that states the work to be performed and the cost
- 3) Never pay the total amount before all the contracted work is completed
- 4) Before a contractor begins work, **ask to see a license issued by the State of Maryland** ([click here to check a contractor for a license number](#))

Licensed Tree Experts are required to carry insurance that covers tree care work. **A company that is not licensed is not only violating the law but may not have the proper coverage in case of damage or injury.**

Any Waterford Place homeowner who thinks they have been approached by an unlicensed business advertising or practicing tree care services in Maryland can **file a complaint online or contact the Maryland Forest Service at 410-260-8511.**

To protect the public, the Maryland Forest Service investigates complaints against individuals or entities that provide tree care services.

Unlicensed tree care service providers are subject to criminal prosecution for operating without a tree expert license and advertising without a license. Additionally, Licensed Tree Experts who violate the law can face suspension or revocation.

When a tree is removed, the stump must be removed to below ground level. If there are large, protruding roots, they must also be removed. The area must then be blended with the surrounding landscaping.

Example: If the surrounding area is grass, the area should be leveled and re-seeded. If the area is within a planting bed or grouping of trees, it should be mulched. The intent is that there be no sign that a tree was ever in the location.

All wood must be removed or stacked and split within sixty (60) days for tree removal. (See Firewood/Woodpile guidelines for more information.)

Application Requirements:

- 1) A site plan showing the location of the tree(s) to be removed.
- 2) If proposing to remove a tree, provide a photo of the tree to be removed, and a photo of the planned replacement tree
- 3) The tree(s) should be marked (ribbon, etc.) to identify during the site visit.
- 4) Contractor/Licensed Tree Expert statement of work
- 5) Estimated completion date

6.36 Windows (Storm, Replacement, New)

An AECR application and prior approval from the AERC/Board are required for all new, replacement, and storm windows.

Windows must match the design/style of the original windows used by the builder (Ryan Homes):

- 1) double-hung, with grids, consisting of 6 panes
- 2) double-hung, with grids, consisting of 8 panes (applies to townhomes designed with 8-pane bay windows only)
- 3) window trim/frame be compatible with the color of the house trim (**almond**).

In all cases, the window should be consistent with the style and exterior color scheme of the house/original design.

Proposed additional windows should be uniform with other existing/original windows (grids, mullions, trim, color, etc.)

Raw or galvanized metal or clear anodized aluminum will not be approved.

Application Requirements:

- 1) Material description of the windows to include colors, dimensions, and styles.
- 2) Color photo of an existing home indicating all windows to be replaced.
- 3) Color photo, brochure, and/or drawing showing the proposed window(s). If the window or door trim is not almond, the photo or brochure must show the preferred color (almond).
- 4) For additional windows or windows with different dimensions and/or moving to a new location, please provide a drawing and/or photo of the home showing the proposed windows in their new location.
- 5) Contractor's statement of work
- 6) Estimated completion date

7. PROJECTS USUALLY NOT REQUIRING AN ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST APPLICATION

All exterior changes to a property require an AECR application and prior approval from the AERC/Board, except as specifically listed in the Guidelines and for alterations that fully comply with the applicable criteria listed in this section.

An AECR application and prior approval from the AERC/Board are required for alterations that do not fully comply with the applicable criteria listed in this section. An AECR application may be submitted for any alteration, even if an AECR application is not required for that alteration by the Covenants and Guidelines.

7.1 Alarm Warning Signs (ADT, Home Security, etc.)

An AECR application is **not** required if the following criteria are met:

- 1) A freestanding home security sign no more than twelve (12) inches square.
- 2) Freestanding signs mounted on a metal stake or wood post located no further than 10 feet from the house's front or back.

- 3) There are no more than two freestanding signs per Lot/property, each no larger than one (1) square foot and located in the front yard. Additional alarm warning signs, each no larger than one (1) square foot, may be placed in the backyard.

7.2 Antennae and Satellite Dishes

An AECR application is **not** required for video satellite dishes and video antennae that meet the following criteria:

- 1) Exterior satellite dishes and antennae must be mounted in an inconspicuous location, preferably behind the house's ridgeline or concealed by landscaping.
- 2) Exterior satellite dishes must not exceed one (1) meter (1 m = 39.37") in diameter;
- 3) No more than two satellite dishes or antennae are allowed per residence;
- 4) Exterior antennae must not have large vertical structures (e.g., parabolic and flat panels); and
- 5) Feed lines for exterior satellite dishes and antennae must enter the hose within one (1) meter of the connection point or must be securely mounted and painted to match the adjoining material or otherwise concealed from view.

An AECR application and prior approval from the AERC/Board is required for antennae and satellite dishes which do not fully comply with the above requirements. [See Guidelines, APPENDIX D – ADMINISTRATIVE RESOLUTION CONCERNING SATELLITE DISHES AND OTHER ANTENNAE (adopted April 24, 1997)]

7.3 Flags and Banners

Homeowners wishing to install temporary flagpole staff that does not exceed six feet in length and are attached at an incline or perpendicular to the townhouse's front wall **are not required to submit an AECR application** seeking AERC/Board approval.

An AECR application is **not** required for flags and banners, provided the flag or banner is attached to a pole less than six feet (<6') long and secured to the house structure with a mounting bracket. **The preferable size for flags and banners is 2.5 feet by 4 feet; not to exceed 3 feet by 5 feet in height and length.**

Permanent freestanding, vertical flagpoles are prohibited.

All flags and banners must be in good condition without fading, tears, or frayed areas and appropriate for a suburban residential neighborhood.

Maryland Real Property Code Section 14-128 governs the display of U.S. flags by homeowners. An owner is entitled to display on their Lot/property one portable, removable flag of the United States. Such display must be consistent with the requirements of 4 U.S.C. Section 4-10 and subject to reasonable rules adopted by the Board of Directors. Some of the U.S. Code restrictions include the display of flag from sunrise to sunset; no display at night unless lit; no display during inclement weather unless it is an all-weather flag, and the flag is never to touch the ground.

The United States flag's preferable size is 2.5 feet by 4 feet; not to exceed 3 feet by 5 feet in height and length.

[Maryland Code, Real Property, § 14-128. *Right of homeowner or tenant to display United States flag*]

The Board may adopt reasonable rules and regulations regarding the placement and manner of display of the United States flag and a flagpole used to display the United States flag on the Lot/property of the homeowner.

7.4 Temporary/Portable Grills, Smokers, and Cookers

An AECR application is **not** required for temporary/portable grills, smokers, and cookers. However, temporary/portable grills, smokers, and cookers must be located in the back yard away from the house structure when in use, be covered when not in use, and comply with all Montgomery County ordinances.

7.5 Temporary/Portable Recreation and Play Equipment

Temporary/Portable recreation and play equipment are items that remain in place during active use or for a short period of time during inactive use. Temporary/portable recreation and play equipment includes, but is not limited to, children's portable basketball backboards that do not exceed nine feet (9') in height, bicycles, balls, plastic sliding boards, toys, wading pools, and lawn furniture, including picnic and patio tables.

An AECR application is **not** required for temporary/portable recreation and play equipment that fully complies with the following:

- 1) Temporary/portable equipment shall be stored inside the house, garage, or in the back yard.
 - The only exception is that temporary/portable lawn furniture may remain on the back yard or deck when not in active use, provided that these items are neatly placed and not excessive in number. NOTE: Temporary/portable lawn furniture placed and/or stored in the front yard is prohibited.
- 2) Wading pools must not exceed eighteen inches (18") in height.
 - Wading pools must be emptied each night for sanitary and safety reasons.
- 3) All portable basketball backboards must be removed from public view during winter months when it is not in use.
 - Pavers painted the same color as the basketball backboard base can be used to stabilize the unit. Other items, such as bags of mulch or dirt, are not allowed for this purpose.

7.6 Temporary/Seasonal Ornaments, Decorations, and Signs

The placement of all signs, including temporary signs, must follow Montgomery County Zoning Ordinance (59.6.7). See <https://www.montgomerycountymd.gov/DPS/Process/zspe/sign-permit.html> and <https://www3.montgomerycountymd.gov/311/Solutions.aspx?SolutionId=1-4RPEXC> for more information and sign regulations for signs on private residential property in Montgomery County.

Signs should be neatly lettered, clean, have a professional appearance, and be maintained in good condition.

7.6.1 Temporary Holiday, Seasonal Ornaments, Decorations

An AECR application is **not** required for temporary exterior seasonal and holiday decorations and ornaments (including ornamental lights and artificial or natural greenery) if all the following conditions are met:

1. All ornaments must not be displayed earlier than thirty (30) calendar days before the relevant holiday and must be removed entirely within thirty (30) calendar days after the relevant holiday.

7.6.2 Temporary Non-Real Estate Signs

An AECR application is **not** required for temporary non-real estate signs, including, but not limited to, birth announcements, garage and yard sales, candidate's political/election campaigns, and contractor work signs related to work being done on a homeowner's Lot/property, **if all of the following conditions are met for the related signs.**

Temporary non-real estate signs must be displayed for no more than thirty (30) calendar days. They must be removed immediately following the relevant event. The following exceptions apply:

1. **Birth announcement signs** shall be permitted to remain displayed for up to seven (7) calendar days from the date it was installed.
2. **Garage sales signs** may be placed up on the day of the event and must be taken down within 24 hours following the sale.
3. **Candidate's political/election campaign signs** must be placed in accordance with Montgomery County's guidelines for size and time limits. Residents can find out more about the sign requirements and determine whether they need to obtain a sign permit by calling the County's Department of Permitting Services at 240-777-

6240. Or visit <https://www.montgomerycountymd.gov/> and click on permits, zoning, and then sign permits.

4. **Signs advertising contracted work being completed on a Lot/property** may be posted for no more than 30 calendar days. These signs must be removed upon completion of the project. One sign is permitted per Lot/property.

7.6.3 Temporary Real Estate Signs (Sale/Rent)

An AECR application is **not** required for temporary real estate (sale/rent) signs.

1. Real estate signs must meet the requirements of Article VII, Section 8(k) of the Covenants and Montgomery County codes, zoning laws, ordinances, and/or regulations with respect to content and removal.
2. One temporary real estate sign not exceeding six (6) square feet in area may be erected upon any Lot or attached to any dwelling placed upon the market for sale or rent. Any such temporary sign shall be removed promptly following the sale or rental of such dwelling. (*Source: Covenants, Article VIII, Section 8(k)*)

The provisions and limitations of Article VIII, Section 8(k) of the Covenants shall not apply to any institutional first mortgagee of any Lot that comes into possession of the Lot by reason of any remedies provided by law or in such mortgage or as a result of a foreclosure sale or other judicial sale or as a result of any proceeding, arrangement, assignment or deed in lieu of foreclosure.

3. Real estate signs must only be placed in the front yard of the Lot/property available for sale or rent. They must be removed immediately upon sale or rental of the Lot/property.
4. During the time that the sign is in place, it must be properly maintained (i.e., must not be visually damaged or improperly placed.)

Permanent professional signs are addressed in Guidelines, Section 6.28.

7.7 Clothesline and Poles

An AECR application is **not** required for an umbrella or retractable clothes-hanging device if all of the following conditions are met:

- 1) Only temporary retractable lines or collapsible pole racks placed on the ground are permitted.
- 2) All types must be placed in the rear yards only.
- 3) Retractable lines must be retracted, and collapsible poles must be disassembled between 5 PM and 8 AM.
- 4) Either must be retracted or disassembled when not in use.

An application is required if one or more of the above conditions are not met.

7.8 Garden (Fruits and Vegetables)

An AECR application is **not** required for fruit and vegetable gardens **that meet the following criteria.** The garden:

- 1) Must be located in the back yard;
- 2) Must not exceed one hundred (100) square feet;
- 3) Must not damage any property located adjacent to the garden through runoff or erosion;
- 4) Must be neatly maintained, including
 - a. Decayed and rotting produce and plant materials must be regularly removed; and
 - b. Seasonal garden fences must be removed at the end of the growing season
- 5) Must not be constructed using CCA pressure-treated wood.

An AECR application and prior approval from the AERC/Board are required for fruit and vegetable gardens exceeding one hundred (100) square feet. Fruit and vegetable gardens for which an AECR application is required must meet all the criteria listed above (except the maximum area restriction.)

7.9 Heating/Central Air Conditioning Sources (e.g., HVAC)

An AECR application is **not** required for the replacement of existing heating and/or air conditioning equipment.

Heat and/or air conditioning sources (e.g., HVAC) must be located behind the townhouse.

Window units will not be approved.

The homeowner should consult Montgomery County to ensure compliance with any County regulations.

7.10 Hose Brackets

An AECR application is **not** required for standard brackets for hanging hoses; however, compliance with the following regulations is required:

1. Only one (1) hose per exterior faucet is permitted.
2. The hose must be kept on the hose bracket or rolled up and placed against the house when not in use.

Brackets in front of the houses should have proper screening to not distract from the home's appearance.

7.11 Landscaping

MINOR LANDSCAPING: An AECR application is not required for minor landscape improvements, such as installing foundation plantings or single plant specimens.

MAJOR LANDSCAPING: An AECR application and prior approval from the AERC/Board are required for any major landscaping project. Refer to the following sections for specific landscaping guidelines.

There are two basic types of landscaping addressed in these Guidelines:

- 1) Soft landscaping
- 2) Hard landscaping

Soft landscaping includes, but is not limited to, soil, mulch, trees, shrubs, flowers, plants, and fruit and vegetable gardens.

An AECR application is **not** required for minor landscape improvements and plantings in any location on the homeowner's Lot/property, which comply with the criteria listed above and the criteria listed in Guidelines Section 3.16 – Prohibited Plants, and Section 7.8 – Fruits and Vegetables Gardens.

All soft landscaping must be accomplished using natural plants. Artificial plants are prohibited for outdoor use except as authorized by Guidelines, Section 7.6 – Temporary/Seasonal Ornaments, Decorations, and Signs.

An AECR application is not required for trees planted in the back yard of a homeowner's Lot/property; however, trees that produce materials such as seedpods, nuts, berries, and fruits must be placed so that they do not drop materials on adjoining Lots or common areas. See Guidelines, Section 3.16 – Prohibited Plants.

Hard landscaping includes all permanent outdoor features made in conjunction with soft landscaping projects. Hard landscaping includes, but is not limited to, decks, patios, landscaping ponds, retaining walls, rock gardens, pathways, and similar items.

Selection and location of all landscaping elements must be carefully considered in terms of each plant's size at maturity, impact on the land (for example, water runoff, root growth, etc.), and location within the property as it relates to adjoining Lots and common areas. The homeowner is responsible for complying with all easement restrictions.

Any topographical changes must include proper stabilization of soils through an accepted means of control (for example, grass or another groundcover, landscaping, retaining walls, etc.) and proper runoff control to prevent erosion or flooding of neighboring properties common areas.

"[N]o structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage channels. [N]o tree, hedge, or other landscape feature shall be planted or maintained in a location which obstructs sight-lines for vehicle traffic on streets or roadways." [Source: Covenants, Article VII, Section 8, Paragraphs L & M]

If the AERC and/or Board determines that any landscaping scheme for which an AEER application was not approved is inconsistent with a suburban residential neighborhood, the homeowner will be required to modify the landscaping scheme to bring it into conformity with a suburban residential neighborhood, at the discretion of the AERC and/or Board.

7.11.1 General Planting

An AEER application is **not** required for foundation planting or single planting; however, an AEER application is needed for hedges more than 2 feet in height or other features that become structures, fences, or screens and as part of other applications where required.

Location: Care should be exercised to plant and maintain trees and shrubs to prevent obstructing sightlines required for vehicular traffic.

Also, the views of adjacent townhomes and shade patterns of larger trees should always be considered.

Scale: Care should be exercised in selecting plant materials that will be appropriate in height and breadth for their intended use and location upon maturity. Mature size, both in height and diameter, should always be considered, especially when planting close to walkways and houses.

Consideration should be given to the effect which planting will have on views from neighboring houses and property.

Planting should be clustered rather than widely spaced.

Massing may be improved by augmenting trees and taller shrubs with low spreading shrubs and/or ground cover. (Caution is advised if the homeowner plans to use ground covers such as ground ivy, creeping ivy, and English ivy.)

All gardens must be neatly maintained throughout the growing season; this includes removing unused stakes, trellises, and dead growth.

7.11.2 Lawn Maintenance

Lawn, turf areas, grass must be maintained to a level **between 2 ½ inches to 4 inches in height**, and the area of grass should be kept trimmed and neat in appearance every 7-10 days.

Any landscaped areas must be kept neatly mulched and free of weeds. (See Guidelines, Pesticides and Herbicides in General Prohibitions)

Bare earth spots outside of gardens are not allowed.

Homeowners are expected to take all reasonable measures to maintain a healthy, green lawn free of weeds. Clippings from mowing or pruning must be removed immediately after the work is performed.

Ground coverings such as ground ivy, creeping ivy, English ivy, etc., should be maintained and contained within the homeowner's Lot's confines and trimmed to avoid encroachment on the adjacent neighbor(s)' Lot/property (including shared party walls/fence walls).

Landscape plantings that die must be replaced or removed promptly (with consideration given to the season).

The AERC/Board must approve any exceptions to the above.

7.12 Painting/Staining (*No color changes; only maintenance using the same/original builder-selected colors*)

An AECR application is **not** required for repainting a structure in the original, builder-selected color, as long as it meets the guidelines below.

The original and existing exterior house, including the siding, doors (front, back, garage), shutters, gutters, trim, fascia, soffit, rake board, box end, and other appurtenant structures color scheme shall remain the same.

The AERC/Board must approve all exterior color changes that differ from the original builder-selected colors. An AECR application and prior approval from the AERC/Board will be required before making any changes. See Guidelines, Section 6.7 – Color Changes.

7.13 Railings and Front Porch/Landing, Steps

The railings located on the front porch/landing and steps must be of a style like those installed by the builder and must be black. An AECR application is **not required** for painting the railings black. (This is considered maintenance.)

The front porch/landing and steps must be concrete. Concrete steps and porch/landing must be properly maintained and kept clean and free of dirt, algae, mildew, rust stains, and/or unapproved colors (paint or stain.)

NOTE: Concrete porch/landing and steps may be sealed using one of the WPHOA Board-approved concrete stain colors. Painting the concrete steps is prohibited. [See Guidelines, Section 6.8 – Concrete Sealant (Front Porch/Landing/Steps)]

An AECR application and prior approval from the AERC/Board are required for staining the concrete porch/landing and steps. [See Guidelines, Section 6.8 – Concrete Sealant (Front Porch/Landing/Steps)]

7.14 Security Cameras

An AECR application is **not** required for security cameras if all the following conditions are met:

- 1) Doorbell-style cameras are installed in the doorbell or garage door locations.
- 2) Wireless cameras no larger than 5" wide by 5" length by 5" height.
- 3) The placement of no more than six (6) cameras on the Lot/property.
- 4) The camera exterior color should be black, white, or matching the color of the surface to which it is attached.

Security cameras, including wireless and doorbell-style as outlined below, must meet all of the following conditions:

- 1) The number of cameras is reasonable to the size and appearance of the property.
- 2) The cameras do not detract from the residential look of the neighborhood.
- 3) The camera exterior color should be black, white, or matching the color of the surface to which they are attached.

An application is required for all other circumstances.

Application Requirements (for circumstances that differ from the conditions state above):

- 1) A site plan of the property.
- 2) A photo of the house and/or structure(s) indicating the location of the cameras.

- 3) The number of proposed cameras.
- 4) Material description, to include dimensions, color, and style.
- 5) A color photograph or a manufacturer's illustration.

7.15 Storage

7.15.1 Deck Storage Boxes (Temporary)

An AECR application is **not** required for deck storage boxes if all the following conditions are met:

- 1) The deck storage box is less than three (3) feet in height, three (3) feet in depth, or five (5) feet in length.
- 2) The deck storage box is earth tone in color (tan, brown, gray, etc.)

Deck storage boxes should be small in scale and placed either against a deck railing or against the rear of the home.

7.15.2 Firewood Storage [*applies to homes with wood-burning fireplaces*]

An AECR application is **not** required for exposed firewood stacks equal to or smaller than one (1) cord if all conditions stated below are met.

- 1) Firewood must be stored in accordance with Montgomery County guidelines.
- 2) It must be stacked neatly and located in the backyard of the Lot/property.
- 3) The firewood/woodpile should not be readily visible from the street.

It is recommended that wood be stacked off the ground on a rack next to an existing structure, separated by several inches from the structure to discourage termites and rodents. Screening may be required if the backyard is not enclosed with fencing.

8. ENFORCEMENT OF THE GUIDELINES

8.1 Enforcement – AERC/Board Enforcement Procedures

The WPHOA Covenants (*see Covenants, Article VII, Section 13 & 14*) require the AERC/Board to ensure compliance of all Dwelling Units/Lots/properties with the Association's architectural and environmental standards. Accordingly, the Board of Directors has adopted the following enforcement procedures.

The source for reporting of violations will be as follows:

- Concerned homeowners
- Members of the AERC
- Members of the Board of Directors
- WPHOA Property Management Agent's observations during the normal course of WPHOA business
- Walkthroughs of Waterford Place community by a designated person(s)

1. Violations will be confirmed by a site visit by the WPHOA's designated property manager (Managing Agent) and/or an AERC Member or Board member.
2. Official notice will be sent to the homeowner(s) in violation of the Covenants, citing the violation and the appropriate resolution to the violation. Additional information referencing the impartial dispute resolution resources available through the Montgomery County Government, Department of Housing and Community Affairs, Office of Common Ownership Communities (OCOC) will also be made available to the homeowner(s).
 - a. **Remedial action to correct the violation must occur within 30 calendar days of the receipt of the notice.**
 - b. Homeowner(s) has/have the right to appeal the citation. **Such an appeal must be made in writing and submitted to the WPHOA Management Agent within 15 calendar days of the receipt of the notice.**

3. If there is no response after 30 calendar days, a second notice will be sent to the homeowner(s) by certified mail. Additional information referencing the impartial dispute resolution resources available through the Montgomery County Government, Department of Housing and Community Affairs, Office of Common Ownership Communities (OCOC) will also be made available to the homeowner(s).
4. After an additional 30-day period with no contact from the homeowner(s), a notice will be sent (again by certified mail) informing the homeowner of the time and place of a hearing by the WPHOA Board of Directors on the case. Additional information referencing the impartial dispute resolution resources available through the Montgomery County Government, Department of Housing and Community Affairs, Office of Common Ownership Communities (OCOC) will also be made available to the homeowner(s).
5. If the case is not resolved during the hearing or within fifteen (15) calendar days thereafter (or such shorter period as may be deemed necessary by the Board of Directors in light of the nature of the violation) the case will be turned over to Counsel by the WPHOA Board of Directors with a recommendation for legal action. The homeowner(s) will be advised of their rights as they pertain to the Montgomery County Government, Department of Housing and Community Affairs, Office of Common Ownership Communities (OCOC), the Maryland Homeowners Association Act, and the Maryland Judiciary's Mediation and Conflict Resolution Office.

[See Waterford Place Homeowners Association, Inc. Covenants and By-Laws (effective February 22, 1991) for additional information.]

APPENDIX A – CONTACT INFORMATION

APPENDIX B – WATERFORD PLACE SITE PLAN

APPENDIX C – ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) FORM [Available online on WPHOA website]

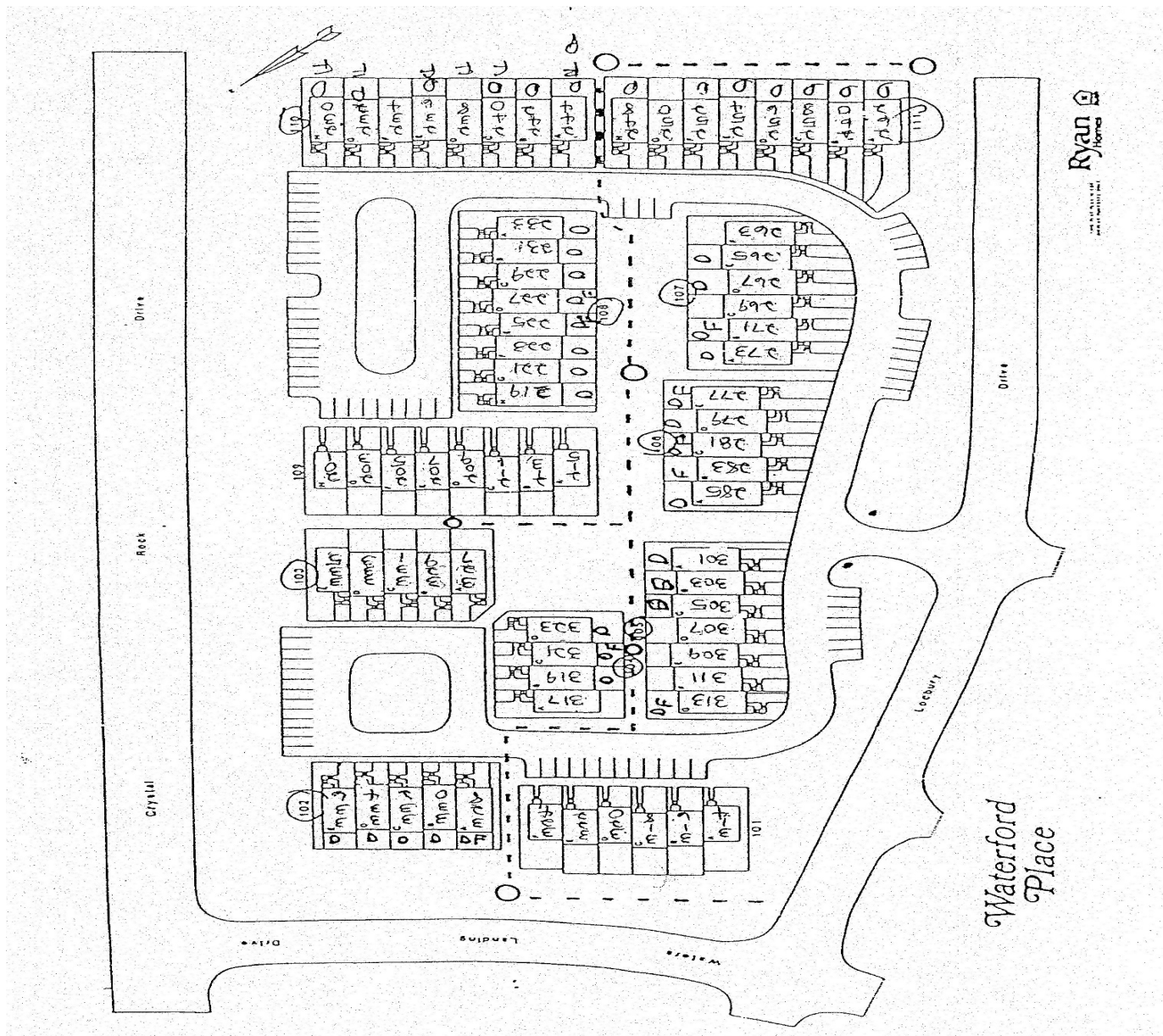
APPENDIX D – ADMINISTRATIVE RESOLUTION CONCERN SATELLITE DISHES AND OTHER ANTENNAE (adopted April 24, 1997)

APPENDIX E – “JUST BECAUSE YOUR NEIGHBOR DID IT DOES NOT MEAN IT WAS APPROVED”

APPENDIX A – CONTACT INFORMATION

COMMUNITY CONTACT INFORMATION	
Community Website	www.waterfordplacehoa.org
Board of Directors	hoaboard@waterfordplacehoa.org
Architectural & Environmental Review Committee (AERC)	hoaaerc@waterfordplacehoa.org
Property Management Company Property Management People,	http://pmpbiz.com/
Timothy Mulford Property Manager	Timothy.mulford@pmpbiz.net

APPENDIX B – WATERFORD PLACE SITE PLAN



APPENDIX C – ARCHITECTURAL & ENVIRONMENTAL CHANGE REQUEST (AECR) FORM

Available online on the WPHOA website

<https://www.waterfordplacehoa.org>

APPENDIX D – ADMINISTRATIVE RESOLUTION CONCERNING SATELLITE DISHES AND OTHER ANTENNAE

An ARCHITECTURAL & ENVIRONMENTAL CHANGE Request application is required to install a satellite dish/antenna on a home exterior.

Homeowners and residents are requested to notify the Architectural & Environmental Review Committee of their intent to purchase and install a satellite dish shortly before or concurrently with the purchase. This action will ensure that the dish's placement can be in the least obtrusive location yet allow a homeowner/resident to receive an "acceptable signal."

Satellite dishes/antennas with a diameter of less than one (1) meter are permitted.

Satellite dishes/antennas larger than one (1) meter in diameter are prohibited.

Antennas shall be installed solely on property owned by the unit owner. No antenna, wires, or any accouterments shall be placed on Association common area.

If acceptable quality signals may be received by placing antennas inside a dwelling, such as an attic, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.

Antennas shall be located in a place shielded from view from the street or other Lots to the maximum extent possible, provided, however, that nothing in this rule would require installation in a location from which an acceptable signal may not be received. Camouflaging antennas through inexpensive screening or plantings is required if antennas are visible from the street or otherwise. This will be determined on a case-by-case basis and shall be reviewed in detail by the Board of Directors of the Association.

Exterior antenna wiring shall be installed to minimize visibility. Owners of satellite dish antennas should make every reasonable effort to ensure that the appliance and all cables, wires, and other accouterments are maintained in an acceptable manner consistent with recommended guidelines. If the equipment is not maintained, the Association can require the owner, through the legal process or as otherwise permitted by law or according to the Association documents, to take action to maintain the equipment. If the owner fails to do so, the Association reserves the right to enforce this rule. The owner will be responsible for all costs associated with the enforcement.

If necessary, satellite dish antennas should be painted black or any acceptable neutral or metallic color so long as the paint does not interfere with an acceptable quality signal.

Antennae and mast shall not be installed higher than necessary for the reception of an acceptable quality system.

Antennas shall be installed and secured in a manner that complies with all applicable laws, regulations, and manufacturer's instructions.

Satellite dishes do not require AERC approval if installed in any of the three (3) locations noted above. Prior approval is required for all other locations.

Antennas shall not be placed where they come into contact with electric power lines or interfere with power lines.

Antennas must be secured so that they do not jeopardize the soundness or safety of any other structures. All satellite dishes installed must be able to withstand wind speeds of at least eighty miles per hour (80 mph) as not to blow off and injure adjoining person or property in any fashion and other safety considerations.

Owners must carry appropriate insurance on antennae to protect against theft and liability to other residents and/or the Association.

All installations must comply with applicable codes and shall be permanently and effectively grounded.

(Source: Administrative Resolution Concerning Satellite Dishes and other Antennae, adopted April 24, 1997)

APPENDIX – D ADMINISTRATIVE RESOLUTION CONCERNING SATELLITE DISHES AND OTHER ANTENNAE (continued)

Application Requirements:

- A site plan of the property showing the location of the proposed satellite dish and/or antenna.
- Material description, including the dimensions and color of the satellite dish and/or antenna.
- Color photo, brochure, and/or manufacturer's drawing of the satellite dish and/or antenna.
- Estimated completion date

APPENDIX E – “JUST BECAUSE YOUR NEIGHBOR DID IT DOES NOT MEAN IT WAS APPROVED”

Just Because Your Neighbor Did It Does Not Mean It Was Approved

The Waterford Place HOA (WPHOA) Board of Directors and our property manager conduct periodic inspections of the Lots and townhouses' exterior changes in the community. Occasionally, the Board holds hearings for homeowners who have made exterior changes without obtaining the required written permission before making the change. Often the reason given by the non-compliant homeowners is *"My neighbor did it!"*

Well, just because your neighbor did it does not mean the exterior change received approval from the WPHOA Architectural & Environmental Review Committee and the Board of Directors. ***"My neighbor did it!"* is not a valid reason for making an exterior change without prior written approval from the WPHOA Board of Directors.**

The *WPHOA Declaration of Covenants, Conditions, and Restrictions* states that **all exterior changes must have prior written approval from the WPHOA Board of Directors.** (*WPHOA Declaration of Covenants, Conditions, and Restrictions - Article VII, Section 1*).



Image: RetroClipArt/Alamy Stock Vector

Suppose an exterior addition, change, or alteration is made without WPHOA Board approval and is deemed to violate this Covenant. In that case, **legally, the homeowner can be required to remove the exterior addition, change or alteration and restore it to the original condition at the homeowner's cost and expense.** (*WPHOA Declaration of Covenants, Conditions, and Restrictions - Article VII, Section 3*).

Do not put yourself in this position. It can be a costly mistake involving the expense of removing the exterior addition, change, or alteration and returning it to its original design, color, and condition. **Additionally, there may be fines, legal fees, and a potential enforceable lien placed on your Lot/townhouse if the violation is not corrected.**

Do the right thing. Remember--- an architectural review and written prior approval are required for **ANY project on your property or the exterior of your home.** This includes, but is not limited to, the roof, garage door, siding, exterior color changes, exterior lights, fences, decks, patios, porches, landings, driveways, storm/screen doors, windows, trees, and/or shrub removals.

WPHOA homeowners can submit an online Architectural & Environmental Change Request Application on the Waterford Place HOA website - <https://www.waterfordplacehoa.org>. Once the complete application is submitted, it will be reviewed by the WPHOA Board of Directors. The Board evaluates the application using the Architectural Control Guidelines and the Covenants. Homeowners may begin the exterior project once written approval is received from the WPHOA Board of Directors.

If the homeowner's ARCHITECTURAL & ENVIRONMENTAL CHANGE Request application is denied, an explanation for the denial will be provided in the written communication sent from the Board of Directors.

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APPENDIX F - Community Parking**PARKING SPACE ASSIGNMENT RULES AND REGULATIONS****INTRODUCTION**

These rules and regulations have been duly adopted by the Board of Directors of Waterford Place Homeowners Association (the "Association") to regulate common element parking and assign common element parking spaces within the Association. Article IV, Section 4 of the Covenants, Conditions and Restrictions (CC&R) grants the Association the power to promulgate such rules and regulations as may be necessary to regulate the reasonable use and enjoyment of the common areas.

The purpose of these rules and regulations is to promote the safety and welfare of the Association residents, while preserving and protecting property values within the Association, and to establish reasonable rules and regulations for the assignment of parking spaces to those units without garages or driveways in order to meet the intent of Article IV, Section 4 entitling each Owner one parking space as near and convenient to the Owner's Lot as possible.

1. GENERAL REGULATIONS

1.1 It is the responsibility of each unit owner (and his or her tenant(s) or licensee(s)) to fully comply with these rules and regulations. Unit owners (and their tenant(s) or licensee(s)) will be responsible to communicate and properly instruct all tenants, licensees, visitors, guests, family members, tradesmen, callers and others who may have legitimate reasons for access or cause to be on the property, regarding the operation and effect of these rules and regulations.

1.2 Unit owners who lease, license, or rent their units to others agree that they are ultimately responsible for the actions of said tenants. The unit owner must include in and attach to all leases, a copy of these rules and regulations. Any assignment made under this section to such tenants will only be effective during the term of the lease or license and must be renewed upon renewal or execution of a new lease or license. No assignment will be effective until the unit owner files a confirmed copy of said lease or license with the Board, or its Management Agent. A violation of these rules and regulations by a tenant shall be deemed a default under such lease or license.

1.3 The Board shall be authorized, in the manner and to the extent permitted by law and the governing documents of the Association, to enforce these rules and regulations, and may call upon the service of municipal law enforcement agencies to assist in achieving compliance or may use the services of a qualified towing service to remove any vehicles which may be in violation. Such action is to be taken only after the Board, or any member of the Board, or its Management Agent has made reasonable efforts to notify the owner of the vehicle and the unit owner responsible, if any, of the violation and that enforcement action will be taken, as permitted by these rules and regulations, and CC&R, including, but not limited to, the relevant provisions of Chapter 30C of the Montgomery County Code (the "Code"). However, the need for such prior notice shall not prevent immediate action by the Board (or two of its members), to take proper enforcement measures to remove vehicles from the general common areas, if the vehicle is threatening the safety of the residents of the association or is blocking or improperly impeding access to any portion of the general common elements of Waterford Place Homeowners Association.

2. ASSIGNED PARKING: The Board of Directors shall assign to each Townhouse unit that does not have a garage or driveway, the exclusive use of one (1) parking space on the general common elements of the Association. Said assignment shall be considered a revocable license which shall not exceed one (1) year in length and which shall be automatically renewed at the end of each one (1) year term unless revoked or reassigned by the Board of Directors. The space assigned shall be located as near to the unit to which it is assigned as reasonably possible. The Board of Directors may, at any time, for any reason, reassign any parking space granted to a unit owner. An assigned space shall remain part of the general common elements of the Association and shall remain subject to all documents governing the general common elements of the Association.

2.1 The Board of Directors shall cause identifying markings to be applied to each assigned parking space to identify the unit to which each space is assigned. Parking spaces which are not assigned shall be available on a first come, first served, basis. The Board of Directors may cause an identifying mark such as "Guest" or "Visitor" to be applied to such spaces or such spaces may be left unmarked.

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3. PROHIBITED PARKING: Parking of motor vehicles is prohibited in all other locations within the Association, including:

3.1 No Parking Areas: Parking is prohibited in all of the locations within the Association which are designated by signs or yellow street markings as "NO PARKING" for various safety reasons such as fire lanes or snow emergency areas.

3.2 Access Areas: Parking is prohibited in front of bike paths, walkways, and private driveways, within 30 feet of a stop sign, within 20 feet of a crosswalk at an intersection, or within 15 feet of a fire hydrant. Parked vehicles should not restrict access to streets or pedestrian traffic.

3.3 Other Community Property: No motor vehicles will be permitted to park or operate on green spaces, sidewalks, or bike paths within the Association, except for emergency or maintenance vehicles. These restrictions apply to all motor vehicles including "off-the- road" vehicles (as defined in Article 27, Section 578 of the Maryland Code).

3.4 Reserved Parking Spaces: Parking is prohibited in reserved spaces which have identifying markings by a vehicle which is not authorized by the owner to the unit to which that space is assigned.

3.5 Vehicle Restrictions: Except as hereinelsewhere provided, no junk vehicles, vehicles larger than a 3/4-ton truck and/or with more than two (2) axles and not to exceed four (4) wheels, house trailers, motor home, camper, vehicle with commercial lettering and signs (not including vehicles of a governmental agency), boat or other similar machinery or equipment of any kind or character (except for such equipment and machinery as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the common area and community facilities) shall be kept upon the Property (including streets, driveways, Lots and parking spaces) nor (except in bona fide emergencies) shall the repair or extraordinary maintenance of automobiles or other vehicles be carried out thereon.

4. ENFORCEMENT PROCEDURES

4.1 The Board shall be responsible for enforcing these rules and regulations. Unit owners or residents who observe a violation or wish to lodge a complaint, should contact the Management Agent and make such complaint in writing. The Board and/or Management Agent acting on behalf of the Board, may take appropriate and necessary action to remedy the violation as set forth in Section 1.3 herein and as further described below.

4.2 Towing Violations: (a) Vehicles threatening the safety of the condominium residents. (b) Vehicles blocking or improperly impeding access to any portion of the general common areas. (c) Vehicles parking in assigned spaces which are not authorized by the owner of the unit to which that space has been assigned.

4.3 The Board and/or Management Agent may authorize immediate towing of vehicles only for violations of 4.2(a) and 4.2(b) as permitted by c30C-4(c)(10) of the Code.

4.4 Responsibility for towing of vehicles for violations of 4.2(c) will be that of the unit owner/resident through the use of a form entitled "*Grant of Limited Agency and Disclaimer Letter.*" This form will be provided to owners by the Management Agent. If a unit is tenant occupied, it will be the responsibility of the owner to pass this information to the tenant.

At the April 26, 2006 meeting, the Board of Directors adopted the attached "Parking Space Assignment Rules and Regulations". This document does two things: (1) it puts on paper and makes official the parking assignments adopted in 2005 when the owner of each townhouse without a garage and driveway was assigned one parking spot near the townhouse unit; (2) it clarifies the Waterford Place community's parking regulations.