

**WOODMONT OVERLOOK HOMES ASSOCIATION, INC.
ADMINISTRATIVE RESOLUTION NO. 5
ARCHITECTURAL CONTROL COMMITTEE RULES, REGULATIONS, AND
GUIDELINES**

WHEREAS, pursuant to Article VIII, Section 1(m) of the Declaration of Covenants, Conditions and Restrictions of Woodmont Overlook Homes Association, Inc., recorded in Liber 6342, at Folio 240, among the land records of Montgomery, County, Maryland (the "Declaration"), the Board of Directors has the authority to adopt rules for the use of the Common Areas and community facilities; and

WHEREAS, pursuant to Article VI, Section 1 of the Declaration, no building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration herein be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to an approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural committee composed of three (3) or more representatives appointed by the Board.

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors, at a duly convened meeting of the Board, after notice and an opportunity for owners to comment on the proposed rules, duly adopts the following Architectural Control Committee Guidelines:

Introduction

To ensure that Woodmont Overlook will always be an attractive and desirable community in which to live, architectural and environmental standards must be maintained. These standards are meant to benefit all residents of Woodmont Overlook. Thus, all residents share the responsibility to comply with, support, and contribute to them.

High standards require that guidelines and restrictions on external alterations/additions be adopted and observed. These rules and guidelines are intended to protect homeowners' investments and to ensure that all homeowners can take pride in their community and be comfortable living in it. Homeowners are expected to comply with these guidelines.

From time to time, these guidelines are updated to clarify their intent and address additional types of changes. Changes and amendments will be mailed separately to homeowner to compliment the primary guideline document; when sufficient changes have been made to these guidelines to warrant reissuing the entire document, the document will be updated and mailed to each homeowner. The Board of Directors established these updated guidelines and restrictions based on the Woodmont Overlook Declaration of Covenants, Conditions, and Restrictions. As part of the Board's due diligence, the published guidelines of similar homeowners associations were reviewed by the Board to ensure compliance with current best practices and this document was also reviewed by the Association's attorney to ensure compliance with all applicable laws.

Compliance with these standards will require that each homeowner provide a degree of consideration for their neighbors, and to expect the same in return. The potential benefits include escalating property values, and maintenance of an attractively designed and appealing community that is pleasant and enjoyable. The Board of Directors has endeavored to make the standards and guidelines easy to meet and to make the review process simple and prompt.

I. ARCHITECTURAL GUIDELINES

A. GENERAL

1. Any additions or other exterior alterations to an existing building or new detached structure must be compatible with the design character of the original building and have prior written approval of the Board of Directors and/or ACC.
2. The Board and/or ACC reserve the right to limit the size, shape and design of structures.
3. Only the exterior materials on the original building or materials compatible with the architectural design of the community will be approved.
4. Only those areas that are painted and stained on the original building may be repainted or restained provided that the color is in compliance with the color key plan on file, or another color has been approved by the Board and/ or ACC. Unpainted surfaces shall require approval to be stained or painted.

B. AMENDMENTS TO THE RULES AND REGULATIONS

1. These Rules and Regulations may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes to existing requirements. However, amendments may be made to reflect changed conditions or technology.
2. The Board will conduct periodic evaluations of the Rules and Regulations to determine if amendments are required. The actual amendment proceeding will require open discussion at a publicized meeting of the Board and acceptance by a majority vote of the Board of Directors.

C. ALTERATIONS NOT REQUIRING BOARD/ACC SUBMISSION AND APPROVAL, BUT WHICH MUST FOLLOW STIPULATED GUIDELINES

HOUSE FIXTURES AND PAINTING

1. Exterior painting of wood surfaces will be periodically arranged by the Board of Directors and the cost is included in the homeowners' annual fees. Painting of windows must use colors which exactly match the original shade of McCormick Exterior Wheat Lustre.

2. Door knobs, door knockers, and light fixtures must be brass and maintain the original styling of the house. "Kick plates" are not permitted.

3. House numbers must maintain the original design style, including size, in the community.

EXTERIOR LIGHTING

4. Generally, low voltage lighting that is confined to planting beds or along walkways or deck areas is acceptable. Specific approval is required for spotlights or floodlights on homeowner's property. Replacement of existing exterior lighting with motion-activated fixtures is only permitted if the following conditions are met:

- Fixture sensitivity is set to prevent light actuation due to motion outside the homeowner's property.
- Duration of light activation does not exceed ten (10) minutes following cessation of motion.
- Fixture is pointed downward, so light does not shine directly at neighboring property.
- Intensity of light is sufficiently low (as decided by the Board or ACC), so as to not to be a nuisance to neighbors
- Motion sensing lights are allowed on the lower rear level only.

5. When choosing the location of lighting, the impact on neighbors must be considered.

6. "Temporary" festive or holiday lighting and decorative displays generally do not require approval from the ACC. However, such "temporary" lighting, and any associated wiring, must be displayed on homeowner's property and removed within a reasonable period after the associated holiday or event.

7. Approval is not required for replacement of original light fixtures. Replacement light fixtures shall be compatible with the architectural character of the neighborhood.

WINDOWS

8. Windows must be consistent with others in the community and trim painted following the same color of McCormick Exterior Wheat Lustre.

9. Window bars are permitted for safety reasons and shall be painted in a similar hue of the trimming of the windows

FRONT ENTRY DOORS

10. The front entry doors must be consistent with the current existing style of the community; glass doors for the 1400 block, and standard 6 panel doors for the 1300 and 1500 blocks.

11. The replacement doors for the 1300 and 1500 blocks must be painted with the same color as the previous existing door.

REAR ENTRY DOORS FOR BOTH GROUND AND SECOND LEVEL

12. Only French style is permitted. Sliding doors are not permitted. Door frames must be painted with similar hue as the rest of the structure. Sliding mesh screens may be added to the rear entryways without approval.

GARAGE DOORS

13. Garage doors must be consistent with the original design in the community in both the style and color.

OUTDOOR STORAGE

14. Outhouses such as storage sheds, dog houses, etc. shall be restricted to the rear property area which is entirely surrounded by an approved fence. Such structures shall not exceed the height of the fence (6 feet).

D. ALTERATIONS REQUIRING BOARD/ACC SUBMISSION AND APPROVAL

All alterations not specifically addressed above or which are not specifically prohibited (Section E), fall into this category. The submission and approval process described in Section II of this resolution must be complied with fully to ensure Board/ACC approval of an application. When not certain whether an alteration meeting the guidelines in Section I.C, submit an application. Some of the alterations which require an application are listed below. In general, approvals will be based on the proposed project's harmony with the community's design concept, including colors, location in relation to surrounding structures, topography, and safety.

HEATING/LIGHTING

1. Homeowners may replace (without Application for Changes) existing lighting with motion-activated fixtures subject to the conditions and limitations as specified in Section I.C. Installation on new fixtures or modifications of existing fixtures which do not meet the conditions and limitations as specified in Section I.C must be approved by the Board/ACC.

2. Skylights are approved on a location basis only. The size and style must be consistent with original design styling. They must be installed on the rear slope of the roof. The installation shall be in compliance with Montgomery County Building Codes.

STRUCTURAL CHANGES

3. Any permanent structures/additions/changes to any home not specifically allowed in Section I.C. require an Application for Change.

PATIO

4. Patio can be constructed of stone, concrete, or brick.
5. Patio must be completely within the area of the privacy fencing and may not encroach on common area.
6. Height of the patio construction (at the highest elevation from pre-construction ground level) must not exceed four inches (4").
7. Adequate storm water drainage must be preserved. The homeowner is responsible for insuring storm water DOES NOT interfere with neighboring or Common Areas.

FENCES

8. Fences shall conform to the pre-existing community style, shape and size. They shall be constructed of red cedar in the standard design [Wyngate style (also known as alternate board and board on board)], 6 feet high with 4X4" pressure-treated wood posts sunk in cement-filled post holes depth as required by ordinance, not more than 8 feet apart.
9. Gate must be board on board style with rounded tops.
10. Fences enclosing the rear property must not extend beyond the "clean-out" pipe which, in most cases, lies a foot or so inside the property line.
11. A fence shall not come within 10 feet of any other fence or other structure if it would restrict access or utility vehicles to the common area.
12. Any change to the exterior of fences, with the exception of applications of colorless preservatives, is subject to ACC application/approval process.
13. Owners may stain, varnish, or repaint to original specifications the interior of their fences provided that such stain or varnish is a clear or natural wood tone. The wood must be periodically power washed and, if necessary, stained in order to preserve its condition.
14. Owners are responsible for any damage caused by structural problem, for their own fences, other residents' properties, and public areas.

DECKS

15. Must adhere to all county codes and permit requirements.
16. Decks already completed must be accepted as they were designed provided that the plans were properly submitted, as required by the original homeowners' covenants, and approved by the builder's Architectural Committee or The Board or the ACC.

17. The design of any proposed deck must be in harmony with the surrounding structure and topography. The ACC will consider any design that accomplishes this goal, provided it is in compliance with the requirements of the City of Rockville and Montgomery County. The Board/ACC reserves the right to limit the size, shape and design of decks.

18. All deck materials shall be pressure-treated natural wood, except for nails, screws, bolts and other standard carpenters' fittings.

19. Decks may have clear preservative applied, but may not be painted or artificially stained.

20. Ground Level: Deck may not extend above a height of 6 inches above ground level. Deck may cover the entire back lot up to the sides of the privacy fence, but must not be nailed to, affixed to, or in any way connected to the fence. This is to allow for the fence to be repaired or replaced in future years.

21. Mid-Level: Above the Privacy fence and no higher than the kitchen level. Deck may cover the entire back lot up to six inches from the center line on the party fence. Maximum extension beyond the rear wall of the house is twelve feet. This is to include the chimney area. End Units may add a gazebo-type extension that extends an additional two feet so long as it does not go beyond a line extending from the stairway protrusion. All decks must be supported by four inch by four inch or larger pillars.

22. Top Level: Not Permitted.

23. Steps may not extend beyond the property line.

24. Roofs are not permitted on any decks.

25. Railings are permitted. They are to be thirty-six inches high from the surface of the deck, trimmed with two inch by two inch pickets spaced on six inch center.

26. Privacy fences on decks: Not Permitted

CHIMNEYS

27. Any alterations to chimneys must be approved by the Board/ACC and styled in the original design.

TREES

28. No trees existing at the time of conveyance by Declarant shall be moved from any Lot without approval of the Association acting through its Board of Directors or duly appointed committee.

ROOF

29. Installation of roof ventilation fans on rear of townhouse and installation of wire mesh covering of roof drain gutter are considered as exterior structural alterations to the house, which require variances that are granted on changes.

STORM/SCREEN DOORS FOR THE REAR ENTRY DOORS

30. Storm and screen doors are only permitted in the rear entrance and must be in harmony with the parent structure in design and color. Only full view styles are permitted.

31. Storm and screen doors must be painted the same color as the existing door or trim and must match with the existing house paint color.

SECURITY DOORS

32. Installation of security doors will require Board/ACC approval and will be examined on an individual basis.

SOLAR PANELS/EXHAUST FANS

33. Solar panels shall be mounted on the rear side of the roof not facing the street, unless the homeowner can provide documentation from the vendor that placing the solar panels of the rear side would have a demonstrably negative impact of the performance of the solar system.

34. Exhaust fans may be approved for installation provided that: (1) they are installed on the rear slope of the roof, (2) have a low profile, and (3) do not produce noise that is audible within a neighbor's home or at ground level on a neighboring property.

SATELLITE DISHES

35. Satellite dishes are permitted on the rear of the house only, unless the homeowner can provide documentation from the vendor that placing the dish on the rear side would have a demonstrably negative impact of the performance of the satellite. Associated cables and wires must be organized and hidden as well as possible. Homeowners must remove any dishes upon change or cancellation in service.

POOLS

36. Outdoor hot tubs, whirlpools, or pools, whether permanent or non-permanent are prohibited.

E. ALTERATIONS WHICH ARE SPECIFICALLY PROHIBITED

The following are considered potentially detrimental to property values, will detract from the appearance of the community or encroach upon the privacy of other homeowners.

ANTENNAE

1. External audio, video, or telecommunication antennae on the lawn or roof mounted are prohibited, with the exception of satellite dishes as noted above.

LIGHTING

2. Sidewalk lighting is prohibited.

FENCING

3. Chain link and other wire fencing is prohibited.

HEATING

4. Window air conditioners or permanently installed window fans are prohibited.

RECREATIONAL EQUIPMENT

5. Permanent basketball or other nets, gym or swing set equipment is prohibited.

6. In-ground or otherwise permanent pools, hot tubs and whirlpools are prohibited.

SECURITY BARS/DOORS

7. Security bars are prohibited over the exterior windows and/or doors.

STORM/SCREEN DOORS AND WINDOWS

8. Storm/screen doors are prohibited on the front of houses.

9. Window shutters are not permitted.

TOWNHOUSE ADDITIONS/SHEDS

10. Any enclosed, covered structural addition on a townhouse (e.g., screened patio, solarium, Florida room, or solid-walled addition) is not permitted.

11. Sheds are not permitted, except as otherwise set forth herein.

II. BOARD/ACC REVIEW PROCEDURES

A. APPLICATION PROCEDURE

1. Prior to ANY exterior change or construction which is not specifically defined as "NOT REQUIRING BOARD/ACC SUBMISSION" (Section I.C), the unit owner shall submit a written proposal using the form established and provided by the Board/ACC. The proposal must contain complete plans and specifications for the project, including but not limited to, the height, length, size, shape, color, materials, type of construction, and location on the plat of the proposed change. In addition, the proposal must include details, which address any other guideline set forth above under "ALTERATIONS REQUIRING BOARD/ACC SUBMISSION AND APPROVAL" (SECTION I.D). Photographs or sketches of similar completed projects will aid the prompt consideration of the application. If the alteration affects the existing drainage pattern, the proposed drainage pattern change must be included in the application.

Descriptive text including purpose of the addition or alteration shall also be included in the proposal. ANY deviation from the guidelines must be accompanied by written justification explaining the basis for the variance. Such justifications will be considered during the Board/ACC review process, but provide no assurance of application approval.

Blank applications are available from the Woodmont Overlook managing agent. Only the most current form is to be submitted.

Written proposals shall be submitted to the Woodmont Overlook managing agent. Please plan ahead to insure sufficient time for routing and review of applications.

2. If time is a critical factor, the owner can add a "RUSH" notice to the Board/ACC application, along with a valid reason as to why the Board/ACC shall act swiftly. The Board/ACC will make every effort to comply with RUSH requests so an applicant can meet required deadlines, but cannot guarantee immediate approval.

3. Prior to submission, the applicant shall give notice of additions or changes for which approval is requested to all owners whose lots share common property lines. Space is provided on the application form for the neighbors to acknowledge that they have been notified. In the event that an applicant shares property lines with only one other homeowner, the applicant must obtain one additional signature from a homeowner who will have a view of the proposed alteration.

Neighbors may comment on the applicant's request in writing to the Board/ACC within ten (10) days after receiving notification. The nature of the objection must be specifically described. (Note: no Application for Change will be formally approved until the ten (10) day comment period has lapsed). The Board/ACC will take any objections into consideration when reviewing applications.

Oral requests for changes will not be considered.

4. In most cases, applicants will receive a reply within thirty (30) days of receipt by the Board/ACC. The written reply will consist of a copy of the application bearing an approval signature, request for more information, or disapproval signature. It will explain any restrictions on approval or reason for disapproval of project. The applicant may request reconsideration if they can supply new or additional information which might clarify the request or demonstrate its acceptability.

5. To expedite processing of some Applications for Change, the Board/ACC may grant conditional approvals. Any conditions for approval so specified by the Board/ACC in writing on (or attached to) the application shall be considered as incorporated into the homeowner's application, and must be complied with as a condition for approval and subsequent construction/alteration. Any objection by a homeowner concerning approval conditions must be resolved BEFORE commencement of construction/alteration.

6. If the Board/ACC fails to reply to the applicant within thirty (30) days of receipt of the application, the applicant shall be deemed in compliance with this resolution.

7. If the application is disapproved, the homeowner will be notified in writing and informed as to the problems in the application. The applicant is free to request that the Board/ACC reconsider its position and is encouraged to present new or additional information which might clarify the request or demonstrate its acceptability.

8. Work on the approved project must be completed within six (6) months after approval, or within whatever other period specified by the Board/ACC upon approval.

9. The applicant may not deviate from the approved plans including any imposed restrictions contained on the approval application without further Board/ACC approval. If an applicant desires to make changes during construction a revised application must be submitted to the ACC which shall promptly act on the revised application.

10. Approval of any plan shall not be construed as approval of the structural integrity of the alteration or addition nor does it relieve the applicant from acquiring the requisite permits from state or county agencies.

11. The decisions of the Board/ACC are considered final, except that any decision rendered by the Board/ACC may be appealed by the homeowner, provided such appeal is registered in writing to the management company within ten (10) days of notification of the Board/ACC decision.

III. REVIEW CRITERIA

1. The ACC evaluates all applications on their individual merits. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design of an exterior in one instance may not be for another. Exterior changes to townhouses, due to their closeness to each other, are usually more noticeable and have more impact on adjoining properties than do detached houses. Judgments are based on the following criteria which represent in more specific terms the general standards of the Declaration of Covenants and Restrictions:

- Design Compatibility – The proposed change must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality or workmanship, similar use of materials, color and construction details.
- Location and Impact on Neighbors –The proposed alteration shall relate favorably to the landscape, the existing structure, and the neighborhood. The primary concerns are access, drainage, view, sunlight, and ventilation.
- Scale –The size of the proposed alteration shall relate well to adjacent structures and its surroundings.
- Workmanship – The quality of work shall be equal to or better than that of the surrounding area. Poor workmanship, besides causing the owner problems, can be visually objectionable to others, and can cause safety problems. The Board of Directors assumes no responsibility for the safety of new construction by virtue of approval of design or workmanship.
- Building Permits – Montgomery County and the City of Rockville require building permits for all decks and fences. Obtaining a building permit does not eliminate the requirement that you must obtain Board/ACC approval. In some cases, Montgomery County and/or the City will not issue the building permit until after Board/ACC approval has been obtained in writing.
- Utility Lines – Be aware that various types of utility lines are buried in the ground. It is prohibited to build permanent structures over these easements. Contact "Miss Utility" at 800-257-7777 or any of the local public utility companies to determine the location of the easements and the steps that must be taken to prevent cutting into any utility lines.
- Conformances with Covenants – All applications are reviewed to confirm that the alteration is in conformance with the Declaration of Covenants. Final approval indicates conformance.
- Drainage Easements –Be aware that ownership of property is subject to certain drainage easements which cannot and must not be obstructed in any way. Failure to abide by this could result in legal action against the homeowner by adjoining property owners and could also result in serious water damage problems.

IV. PROCEDURES FOR MONITORING ARCHITECTURAL COMPLIANCE

1. Certificate of Compliance– Upon the completion of any construction, alteration or other improvements in accordance with plans, specifications and procedures as approved by the Board/ACC, the Committee shall, if requested in writing by the applicant, issue a certificate of compliance following verification that the alteration is in compliance with all applicable guidelines and/or regulations.

2. The Board/ACC reserves the right to inspect (or have inspected by designated representatives) properties of homeowners for compliance with architectural and environmental standards.

3. Pursuant to Article V, Section 3 of the Declaration, in the event an owner of any Lot shall fail to maintain the premises and the improvements thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agent and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject; and

4. If the Board, at any time, adopts fining procedures for violations of the Declaration of Woodmont Overlook Homes Association, Bylaws or Rules and Regulations, including the architectural and environmental standards set forth herein, the fining procedures shall be considered an addendum to these guidelines.

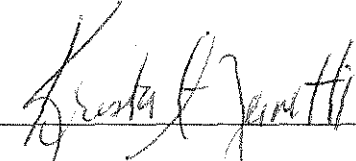
V. LIABILITY AND INDEMNIFICATION

All officers and members of the Board/ACC, while acting on behalf of the Board/ACC shall be legally protected from action against them, as set forth in the legal documents of the Community and Directors and Officers Insurance policy.


A copy of this resolution shall be filed in the Homeowners Association Depository at the Circuit Court for Montgomery County, Maryland.

The undersigned hereby certify that the foregoing Resolution was adopted by, and made a part of the minutes of the meeting of, the Board of Directors of the Association on the 21 day of October, 2013.

Woodmont Overlook Homes Association, Inc.

BY: 

Krista Zanetti, President

ATTEST: 

Nicholas Zagorski, Secretary