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APPROVED ARB GUIDELINES **ADDITIONS NOTICE**

TO: RESERVE AT TOWER OAKS HOA OWNERS

**FROM: SHIREEN AMBUSH, PCAM, CPM
PROPERTY MANAGER**

DATE: JUNE 28, 2024

The Board of Directors held a meeting on June 5, 2024, at which time they reviewed the proposed additions to the ARB Guidelines for the Reserve at Tower Oaks HOA which was previously sent to all owners. The Board voted to adopt the proposed additions with no changes and the final approved ARB Guidelines are enclosed for your records and are effective immediately.

If you have any questions or comments on the revised Guidelines, please feel free to contact me at customercare@abarisrealty.com. On behalf of the Board, I thank you for your attention to this important matter and I wish you a safe and joyous summer season!

The Reserve at Tower Oaks Homeowners Association, Inc.
ARCHITECTURAL GUIDELINES AND DESIGN STANDARDS

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SECTION I

OBJECTIVES

The overall objective of this handbook is to outline the various guidelines, standards, rules and regulations established for use by the members of the Board of Directors and owners in maintaining and enhancing the appearance and character of the Reserve at Tower Oaks Homeowners Association, Inc. (“Tower Oaks”)

These guidelines, standards, rules and regulations address improvements for which homeowners will most often submit applications to the Architectural Review Board. They are not intended to be all-inclusive or exclusive, but rather serve as a guide for the review and approval process for improvements that may be made in the community.

The specific objectives of this booklet are:

To provide uniform guidelines to be used by the Architectural Review Board in reviewing all applications in light of the goals set forth in the founding documents of our community.

To assist homeowners in preparing a complete application package for submission to the Architectural Review Board.

To increase awareness and understanding of the provisions contained in the Master Bylaws, Master Declaration of Covenants, Conditions and Restrictions (“Master Declaration”), and related documents of Tower Oaks.

To describe the organization and procedures involved with the architectural guidelines and standards established by the Master Declaration and Master Bylaws in order to preserve and enhance the value of the Lot and to maintain a harmonious relationship among structures and the natural vegetation and topography.

To illustrate basic design principles that will aid homeowners in developing exterior improvements that are in harmony with the community as a whole.

SECTION II

INTRODUCTION

All Tower Oaks' residents have benefited from the initial planning and design considerations that have been an important part of the development of our community.

The purpose of architectural guidelines and standards is to assure residents that the harmony of external design and location in relation to surrounding structures and topography will continue to be maintained. This, in turn, protects property values and enhances the community's overall environment.

MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

The authority for maintaining the harmony of external design in the community is found in the Articles of Incorporation, Master Bylaws, the Master Declaration, and related documents, which are part of the deed to every property. The Covenants establish the Master Association, the Board of Directors, and the Architectural Review Board.

At the time you purchased your home or unit, you should have received a copy of the Master Declaration in the homeowner's document package. These Covenants "run with the land" and are binding on all homeowners. As a result, these Covenants should be fully understood by each owner.

SECTION I

ARCHITECTURAL REVIEW BOARD CRITERIA

The duties and responsibilities of the Architectural Review Board (“ARB”) include reviewing and evaluating all applications based on the individual merits of each exterior addition, change or alteration as described in the application. The characteristics of the property type and the individual site as well as the relation to surrounding structures and topography are taken into account when evaluating the proposed exterior addition, change, or alteration. What may be an acceptable modification of an exterior in one instance may not be for another.

The following criteria represent in more specific terms the general principles that will be used in reviewing and evaluating such application and the proposed design.

Validity of Concept

The basic idea must be sound and appropriate to its surroundings.

Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant’s Lot and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details. Compatibility does not include other improvements within the Community that are in violation or in direct contradiction to these guidelines.

Location and Impact on Neighbors

The proposed modification should relate favorably to the landscape, the existing structures, and the neighborhood.

Scale

The size of the proposed modification should relate well to adjacent structures and its surroundings.

Color

Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house, such as roofs, masonry and trim should be matching in color.

Materials

Continuity is established by use of the same or compatible materials as were used in the original or current house design and construction. The options may be limited somewhat by the design and materials of the existing house.

Workmanship

Workmanship is another criterion that may be applied to all exterior additions and alterations. The final appearance and quality of work should be equal to or better than that of the community as a whole. Poor construction or finishing practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship or substandard construction practices can also create safety hazards.

Timing

Projects that require an application and approval by the Association are to commence based on the work to be performed, must commence within sixty (60) days following the date of approval and completed in no more than six (6) months from their start date as determined by the Association, unless a longer period of time is specifically stated in the approved application or a written request for extension is reviewed and approved by the ARB. Otherwise, it could become a nuisance and safety hazard for neighbors and the community.

Common violations should be removed and completed within the duration as stated in the notice from the Association.

SECTION II

MODIFICATIONS REQUIRING APPROVAL

All exterior additions, changes or alterations to any building, fence, railing, wall or other structure by any homeowner requires the written approval of the ARB.

As may be relevant, such plans and specifications are to be submitted in writing by the owner and may contain any of the following information:

- (a) A site plan showing the location of all proposed and existing buildings, fences, walls or other structures on the Lot.
- (b) Exterior elevations for the proposed building, fence, wall, structure, or an addition, change, or alteration therein.
- (c) Specifications of materials, color scheme and other details affecting the exterior appearance of the proposed modification.
- (d) Description of the plans or provisions for any changes in landscaping or grading.
- (e) The beginning and completion dates for the installation of the proposed modification, addition, change or alteration.
- (f) The printed name and signature of three (3) adjacent property owners that are aware of the requested addition, change, alteration or modification. See Exhibit A for specifics on required acknowledgement of signatures.

Under the Master Declaration, Article III Section 4(b) explicitly states that any exterior addition, change or alteration, permanent or temporary, to any building, fence, wall or other structure erected or maintained upon the Lot (including changes in color) **must** be approved by the ARB. Further, once a plan is approved, a revised application must be submitted and approved by the ARB.

Each application is reviewed on an individual basis. There are no “automatic” approvals, unless provided for specifically in these guidelines. For example, an owner who wishes to construct a deck or fence identical to one already approved by the Board of Directors is still required to submit an application.

The Architectural Modification Form for use in preparing a request and applying for approval is attached as Exhibit “A”. Generally, the following items should be a part of every application:

A Site Plan

A site plan is most easily prepared by submitting a copy of the property plat. Proposed changes should be indicated including dimensions and distances from adjacent property.

Material and Color

Description of the materials and colors to be used and an indication of the existing colors and materials should be provided. Where materials and/or colors are compatible, but different from those of the existing structures, samples of color chips should be submitted for clarification.

Drawings and Photographs

A drawing of the proposed changes and current property should be provided and may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, exterior elevations for proposed structures, and if appropriate, plans or provisions for landscaping or grading, etc., should be shown as they affect the applicant's house as they relate to adjacent lots. In any case, the sketch or photograph should be accompanied by a written description.

Fee

The Board of Directors, or the ARB, shall have the right to charge a reasonable fee for reviewing an application. Owner shall pay the cost of any architect or engineer engaged by the ARB to review the proposed plans.

Review Procedures

All applications are to be submitted to the ARB and the Property Management Company or such other managing agent as determined by the Board of Directors, by first class mail or via email, whether for permanent or temporary modifications. The application will be approved, conditionally approved, or disapproved, by the ARB within sixty (60) days or less. The sixty-day review period will commence upon receipt of a complete application, including all exhibits.

Upon receipt, the application will be reviewed for completeness. If the application is incomplete, it will be disapproved and returned to the homeowner immediately, with a request for the missing information. The owner may then revise the application as required and resubmit the application for consideration. If the application is complete, the owner will be so notified via the managing agent, and the review process will begin.

The ARB must review each application, approve, conditionally approve, or disapprove the application, and notify the owner within sixty (60) days of submission. The owner will be

notified of the decision of the ARB as expeditiously as possible. Informal notifications will be followed by formal written notification, delivered by mail to the applicant's address.

Consistent with Article III, Section 4© of the Declaration, in the event that the ARB fails to approve, modify or disapprove a correctly filed application within sixty (60) days of a properly submitted application, approval shall be deemed granted, except for those applications for additions or alterations that are prohibited under these Architectural Standards and Guidelines or the Association's governing documents, in which case no disapproval is necessary to uphold the prohibited additions or alterations. Further, in the event that the ARB requests that the owner supplement or amend their application, the sixty (60) day period will start running from the date the supplement or amendment is received. In addition, if the ARB requests that the owner supplements or amends their application and owner fails to provide the requested documents or amendments to the managing agent within sixty (60) days of the request, the owner's application will be declared void, and subsequent documents submitted will require the completion of a new application.

All approvals and other actions by the ARB shall be in writing. Further, no construction shall be deemed approved until after written approval has been received by the owner. In the event that construction is initiated prior to the receipt of written approval, owner bears all risks and liabilities if the application is not approved by the ARB.

Appeal of an Architectural Review Board Decision

To initiate the appeals procedure, the applicant must submit a written appeal within thirty (30) days of receiving the formal written decision by the ARB to the Board of Directors.

An appeal to the Board of Directors may be, but is not required to be reconsidered where the application violates

- a) The Regulatory Approvals or applicable zoning ordinances or approvals, or
- (b) The architectural standards relating to the Lot, or
- (c) Any governmental authority.

SECTION III

ARCHITECTURAL GUIDELINES AND STANDARDS COMPLIANCE PROCEDURES

The following procedures will be taken by the Board of Directors to enforce compliance with the rules and regulations as set forth in these guidelines:

- All owners and residents of Tower Oaks, and their guests and invitees shall comply with all of the provisions of the Master Bylaws, Master Declaration, and all Rules and Regulations adopted by the Board of Directors, including these Architectural Guidelines and Standards. Pursuant to Article XIII, Section 1, "Enforcement" of the Master Declaration, the Board of Directors is authorized to initiate such action as may be necessary to ensure that all owners and residents and their guests and invitees comply with the Association's governing documents and all Rules and Regulations adopted by the Board of Directors.
- In any instance where the violation presents a health or safety hazard, the Board of Directors may take immediate action to correct the violation at the owner's expense. Notification to the owner of the action taken and the costs incurred will be made by certified mail, return receipt requested and first-class mail.
- In the event the owner does not bring the violation into compliance, the Association may proceed with enforcement procedures as provided by the Master Declaration, including any enforcement resolutions approved by the Board of Directors.

Please note that failure of the Board of Directors to enforce any provision, covenant, restriction, or rule and regulation shall in no event be deemed a waiver of the right to do so thereafter.

Due Process Procedures

If the approval process is not adhered to as prescribed above, the Board may initiate and conduct a hearing to determine if the owner's actions violated the governing documents and these guidelines. The procedure for a due process hearing and any violations arising from the hearing are incorporated herein by the Due Process Resolution dated July 27, 2022 and any amendments to the Resolution as maybe passed from time to time.

SECTION IV

GUIDELINES

The guidelines that follow address a broad range of common violations and exterior alterations for which owners frequently submit an application to the Tower Oaks' ARB. As it is impossible to address each specific design condition, these guidelines present the principle factors that should be considered when developing a design and assist with general maintenance. More specifically, these guidelines define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative.

The individual merits of each application will always be considered by the Board. The use of these guidelines should assist the owner in gaining timely ARB approval. The applicant who follows the guidelines should expect approval or a detailed rationale as to why the application was not approved.

Major alterations are generally considered to be those that substantially alter the existing structure either by subtraction and/or addition. Major building alterations include, but are not limited to, construction of, porches, greenhouses, rooms, decks, fireplaces, chimneys, or other additions to a home, etc.

More specifically, the design of major alterations should be compatible in scale, materials and color with the applicant's Lot and adjacent lots. Pitched roofs must match the slope of the roof on the applicant's Lot. New windows and doors should match the type used in the applicant's Lot and should be located in a manner that will relate well to the location of exterior openings in the existing house.

If changes in grade or their conditions that may affect drainage are anticipated, they must be identified on the application. Drainage swales which have been constructed to facilitate water drainage should not be altered by structures or plantings. Approval will be denied if drainage swales are modified or if adjoining properties are adversely affected by changes in grading and/or drainage.

Construction materials must be stored so that the impact on neighboring properties is minimized. Excess material should be immediately removed after completion of construction.

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

Timeline for Approved Applications

All projects are to be completed, expeditiously, quickly and depending on the scope of the project. Approved applications shall commence within sixty (60) days following the date of approval and completed in no more than six (6) months from their start date as determined by the Association, unless a longer period of time is specifically stated in the approved application or a written request for extension is reviewed and approved by the ARB.

Amendments to the Architectural Guidelines and Standards

The Tower Oaks' Board of Directors may conduct annual evaluations to determine if amendments to these guidelines are warranted. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing guidelines. Any proposed amendments must be approved by the Board of Directors in accordance with the provisions of the Master Declaration or the Master Bylaws of Tower Oaks and shall be binding upon all owners and occupants of Lots.

Miss Utility

As required by Maryland law and under the jurisdiction of the Maryland Underground Facilities Damage Prevention Authority, an individual or company planning to excavate must call Miss Utility two (2) full business days (excluding weekends and holidays) prior to the commencement of excavation work. The Miss Utility center notifies participating utilities of the upcoming excavation work so they can locate and mark their underground facilities to prevent possible damage to underground utility lines, injury, property damage and service outages. For more information, visit www.missutility.net or call 800-257-7777. This is a free service. If Miss Utility is not contacted and an underground facility/utility is damaged, you could be assessed penalties and could be held liable for repair.

Government Approval Process

The owner shall be solely responsible for all costs relating to obtaining the necessary approvals from all appropriate Governmental Authorities, and all plans and permits required for the proposed improvements or alterations, and in no event shall the approval by the ARB or by the Board of Directors be substituted in lieu of applicable governmental approvals and permits or be deemed to constitute a determination as to compliance with local zoning ordinances, governmental guidelines or restrictions.

1. FENCES

No fences or walls shall be constructed upon the Lot other than those initially installed in the construction of the improvements as shown on the Regulatory Approvals, or replacements of such fences or walls in the same manner as initially constructed by the Declarant, unless approved by the ARB. Location, style, height, materials, and color will be considered, however, no fence shall be approved that is more than six (6) feet in height. No chain link or other wire fencing fences will be permitted. Fences are to be compatible with the applicant's Lot and the prevailing materials of adjacent houses in the community to maintain architectural harmony. No gate which provides access to the front, rear or side yard of a Lot shall be locked or blocked in a manner which will prevent access to the front, rear or side yard of such Lot.

2.

ROOFTOP TERRACES AND DECKS

Applications for rooftop terraces and decks must be submitted prior to construction to the ARB for approval, conditional approval, or disapproval on a case-by-case basis. Rooftop terraces and decks must be of the same design as the rooftop terraces or decks constructed by the Master Declarant and must match others in the community. When a proposed deck scheme includes other exterior changes, such as fencing, lights, landscaping, trellis, lattice or other decorative work, the appropriate sections of these guidelines and the Association should be consulted prior to application. The following should be included with applications for terraces, decks, porches or balconies:

- (a) **Scale.** The scale of all decks shall be compatible with the scale of the Lot. They must be of a scale and style which are compatible with the Lot to which attached, adjacent lots and the environmental surroundings.
- (b) **Materials.** Decks must be constructed of composite material wood substitutes such as “Trex” or a comparable material to match the decks installed by the Master Declarant.
- (c) **Railing Detail.** Railing styles must be submitted as part of the application for review by the ARB and must match the style of those installed by the Master Declarant
- (d) **Color.** Decks should be of color matching other decks in the community based on the specifications designed by the Declarant.

The following shall require prior approval:

- (a) Any structural alterations or modifications to the rooftop terrace, balcony, porch or deck.

The following are limitations that apply to terraces, decks and balconies:

- (b) The removal of any railings, decorative trellises or other perimeter barriers installed by the Declarant shall be strictly prohibited, except for repairs or replacements with the improvements of the same type and of the same functional and physical appearance.
- (c) In addition, no furniture, sculpture, artwork, flags or banners exceeding forty two (42) inches in height may be placed on the rooftop terraces, balconies, porches or decks, and no umbrella or space heater used on a patio, terrace, porch or balcony may exceed eight (8) feet in height from the floor of the balcony, terrace or deck, nor exceed seventy-two inches (72") in diameter, or extend beyond the boundary lines of the terrace, deck or balcony.
- (d) Furniture and furnishings shall be free of advertising, logos, graphics or other printed words or symbols, and shall be removed or otherwise secured to prevent displacement by wind or other natural forces.
- (e) Deck string lights should be mounted on poles no higher than 8 feet. Lights should not

be excessively bright, and must be turned off by 10:00 pm

3. **STORM AND SCREEN DOORS**

The installation of any storm door(s) must receive prior approval of the ARB, including, but not limited to, the style, color and material of said storm door(s). Storm doors must be of traditional design, must be either full or three-quarters view clear glass and must match the front door or the trim around the front door.

4. **RECREATION AND PLAY EQUIPMENT**

No play equipment or other equipment associated with either adult or juvenile recreation, shall be attached in any manner to the exterior of any dwelling without the prior written approval of the ARB. If approved in accordance with the Master Declaration, such play equipment must be properly maintained at all times by the owner and must comply with the following guidelines. No play equipment, including bikes and scooters, shall be stored or left in the front lawn or outside the rear parking garage.

5. **EXTERIOR DECORATIVE OBJECTS**

Exterior decorative objects such as, but not limited to, bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, and free-standing poles of all types are subjective and should be aesthetically appealing. Up to three (3) small objects of this type are permitted without prior approval. These objects should be small, but in no case may they be larger than two feet wide and two feet deep (2' x 2' x 2') without prior approval by the ARB.

6. **EXTERIOR PAINTING**

Color changes apply to the house siding, doors, shutters, trim, roofing and other visible structures attached to the home. No owner shall paint, stain, varnish, apply siding or otherwise cover the exterior of a building that changes the existing colors or design of the building without submitting an application to ARB. Any peeling flaking or chipped paint should be removed as soon as possible and repainted to match the existing color.

7. **BARBECUE GRILLS**

No Lot shall use a charcoal burner on the patio, rooftop, terrace, porch, deck, garage or balcony.

8. **EXTERIOR UNIT AIR CONDITIONERS**

Air conditioning units installed in windows are prohibited. Exterior ground units may be added or relocated providing they do not adversely impact neighbors. Such relocation or addition must be approved by the ARB. Additionally, the ARB reserves the right to require additional landscaping or screening around air conditioners, as may be necessary.

9. **TEMPORARY STRUCTURES AND CLOTHESLINE**

No structure of a temporary character, and no trailer, tent, shed, shack, barn, pen, kennel or stable, shall be maintained upon any Lot or upon the Master Common Area Parcels at any time.

Outdoor clothes dryers or clotheslines shall not be maintained on the Master Common Area Parcels. Clothing, laundry or the like may be hung, however they should remain out of the general view of neighbors.

10. **GUTTERS AND DOWNSPOUTS**

Gutters and downspouts must be maintained in good repair and free from obstructions. Installation of new gutters and downspouts must match existing gutters and downspouts in both color and design and must not adversely affect drainage on adjacent properties. Drainage tile added to any downspout must always be camouflaged or hidden from view. Drainage tubes or extensions are allowed in brown or green.

11. **TRASH CONTAINERS AND BULK TRASH**

Trash containers must be placed inside the garage. Trash containers and cans may not be stored in the front of the Lot or in the rear of the parking garage. Trash shall be collected and stored in trash receptacles only. Trash and garbage receptacles shall not be permitted to remain in public view except on days of trash collection and no earlier than 6:00 PM the evening before the day of collection and must be removed by the end of the day following trash collection.

No accumulation or storage of litter, new or used building materials, or trash of any kind shall be permitted on the exterior of any Lot. Open storage of any household appliance, motor vehicle parts, building materials, furniture, dead trees, yard waste, garbage or bulk trash is prohibited.

12. **SHEDS**

Sheds are allowed with the approval of the ARB and only in the rear of lots with a fully enclosed rear yard and the shed may be no taller than the size of the existing fence. Sheds are not allowed in the front or side yards of any lot.

13. **SIGNS**

No sales/marketing signs for the resale of a Lot shall exceed two (2') feet in width or two (2') feet in height, and such signs shall be posted only on Saturdays and Sundays. Such temporary real estate sales/marketing signs shall be removed promptly following the sale or rental of such Lot.

Unless otherwise specified by law, the display of a candidate sign or a sign that advertises the support or defeat of any question submitted to the voters, as such terms are defined and set forth

in Section 11B-111.2 of the Real Property Article of the Annotated Code of Maryland (2016), as amended from time to time, is restricted

(1) in accordance with the provisions of Federal, State and local law; and (ii), for a time period which is in excess of:

(a) thirty (30) days before the primary election, general election or vote on the proposition and

(b) seven (7) days after the primary election, general election or vote on the proposition.

14. SOLAR PANELS

Solar panels and solar collectors may only be installed with the prior written approval of the ARB. Solar panels and solar collectors must meet the following conditions:

- All panels must be mounted to the front or rear side of roofs.
- All panels must be as close to flush with the existing roof as possible to minimize the appearance of non-uniformity with the surrounding roof tops.
- Panels may not hang off the side of the roof.
- To prevent visibility from the yards or facing houses across the streets or alleyways, panels must not extend above the roof peak or roof edges.
- All panels must be set upon the roof in horizontal lines – decorative patterns not necessary for the efficient generation of electricity are not permitted.
- Wiring and other components must be concealed as much as possible.
- Ground mount systems are allowed only when the applicant can show there is sufficient space, the roof mount will not provide the owner use of solar energy and when a ground mount system is the only alternative for the owner to use solar energy.

No other mounting locations are permitted without the prior written approval by the ARB.

If an applicant seeks to install any solar panels or solar collectors in a manner that is inconsistent with the standards, the Association reserves the right to require the applicant to have his or her solar installation expert attend any hearing before the ARB for the purpose of discussing the proposed application and to answer any questions regarding the installation. The applicant shall be responsible for any costs associated with having their solar installation expert attend any hearings before the ARB.

15. LANDSCAPING AND GARDENS

All landscaping and screening shall be approved by the ARB prior to installation and shall be maintained in good condition, and no landscaping shall be allowed to die, including plantings on individual lots that were planted by the Homeowners Association, without replacement of like landscaping materials or otherwise eliminated or reduced. The following are prohibited:

- (a) No tree, hedge or other landscape feature shall be planted, installed or maintained in a location which obstructs sight lines for vehicular traffic on the private alleys or public streets.
- (b) No Prohibited Plants may be planted or installed within the Community. "Prohibited Plants" shall mean the Exotic and Invasive Plant List published by the City of Rockville's Department of Recreation and Parks, as the same may be amended from time to time.
- (c) Plantings and other landscape materials shall not be placed or permitted to remain upon any Lot (i) if such materials may damage or interfere with any easement for the installation or maintenance of utilities, or for the installation or maintenance of public improvements, (ii) in violation of the requirements of such easements, or (iii) if such materials may unreasonably change, obstruct, or retard direction or flow of any drainage channels.
- (d) No water pipe, sewer pipe, gas pipe, drainage pipe, television cable or other similar transmission line shall be installed or maintained upon any Lot above the surface of the ground.
- (e) No more than three (3) decorative lawn ornaments shall be erected, installed, used or maintained on or in the front or side yard of any Lot. In no case may the lawn ornament be larger than two feet wide and two feet deep (2' x 2' x 2') without prior approval by the ARB. Lawn ornaments shall be maintained in good condition and shall not be offensive in any way. The ARB reserves the right to request lawn ornaments be removed if they are not in good condition or are deemed to be offensive.
- (f) Planters shall be allowed so long as the vegetation is kept in good condition and any vegetation that dies shall be promptly replaced. Planters are considered as decorative objects for the townhomes only.
- (g) Changes to the original, EYA-installed townhouse landscaping are permissible. The areas that could be changed or added to, would generally be the front yard (sidewalk

to house structure) within your property lines. Swales and common areas can not be landscaped or managed by the homeowner. Those areas will be landscaped as per Rockville plan. All landscaping changes by the homeowner or their agent must be approved by the ARB (with the exception of #6 below). The following requirements must be met in order to add to or change your landscaping.

1. The homeowner assumes responsibility for trimming, mulching, and managing the additional or new plants. Note that the watering of front and rear yards has always been the responsibility of the homeowner. AW Landscaping HAS indicated that they will continue to trim and manage the trees previously planted in front yards if the homeowner makes other changes to their plants.
2. All plantings must conform to the style of the community as a whole. All plantings (other than trees) should be less than 42" in height when mature to maintain proportionality.
3. Plantings must be hardiness zone, and solar appropriate (as indicated by location: shade, part-shade, sun). If you are unfamiliar with these and other requirements, contact a landscaper. It is the homeowners' responsibility to ensure that none of the plants are on the prohibited plants list.
4. It is the homeowners responsibility to call Miss Utility and have gas, electric and water lines marked BEFORE any digging takes place.
5. The application should include the standard ARB application information plus:
 - i. A plat of the property with the compass rose showing (from your settlement documents)
 - ii. A list with totals, of all plants to be placed. To avoid confusion, requested plants should include the Latin binomial name, not just the common name.
 - iii. A diagram of the plant locations
6. Flowering or decorative annuals (plants which die permanently in fall), under 24" in height may be planted without ARB approval. N.B. Items # 3 & 4 still apply.
7. No fruit, vegetable, or edible plants are allowed in-ground. These are more appropriately placed in containers on the deck or terrace.
8. Trees may not be removed (or planted) without ARB approval.

16. EXTERIOR LIGHTING

Lighting which is part of the existing structure may not be altered without prior approval of the ARB. Proposed replacement or additional fixtures must be compatible in style and scale with the home. No exterior lighting shall be directed outside of the applicant's Lot. Proposed additional lighting shall not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage, or other features.

17. IN-HOME BUSINESSES

According to Article VI, Section 1(a) of the Tower Oaks' Declaration, all Lots are to be used for private residential purposes exclusively.

The use of a dwelling unit as a "no- impact home-based business" as defined in Section 11B-111.1 of the Real Property Article, Annotated Code of Maryland (2016), as amended from time to time, shall be permitted, provided that such "no-impact home-based business" or "no-impact home occupation":

- (i) is limited to a person actually residing in the Lot and is consistent with the residential character of the Lot; and
- (ii) is subordinate to the use of the Lot for residential purposes and requires no external modifications that detract from the residential appearance of the Lot; and
- (iii) 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 Master Common Expenses that can be solely and directly attributable to such "no-impact home based business" or "no-impact home occupation"; and
- (iv) shall not involve the use, storage, or disposal of any grouping or classification of materials that the United States Secretary of Transportation, the State of Maryland, the County or any local governing body designates as a hazardous materials; and
- (v) shall not be conducted on or adversely impact, prohibit or restrict the use of the Master Common Areas (including, without limitation, the private alleys, the shared road, access aisles, and parking areas), nor adversely impact the access to or parking for any Lots; and
- (vi) limit the hours of operation of such business shall be limited to Monday through Friday, 8:00 a.m. to 6:00 p.m., and Saturday, 9:00 a.m. to 5:00 p.m., with no hours of operation on Sunday; and
- (vii) operation, maintenance, use and signage of such business shall be in strict conformity with the provisions of any applicable laws, including, without limitation, all applicable zoning laws, ordinances, or regulations, and any architectural standards which may be adopted by the Board of Directors based upon the recommendations of the ARB; and

(viii) the Owner conducting such business shall obtain and maintain at all times all permits and licenses necessary to conduct such business; and

(ix) the Owner shall notify the Master Association of such use, in writing, at least thirty (30) days prior to the opening of the "no- impact home-based business".

No Lot shall be used as a "child day care facility," a "domiciliary care home," a "group home," a "medical or dental clinic," or a "boardinghouse" (as such terms are defined in the Montgomery County Code Zoning Ordinance, Chapter 59, Article 59-A).

18. SKYLIGHTS

Skylights shall not be allowed in any Townhomes or Condo units. All skylight plans for Single Family Homes, prior to installation, must be submitted to the ARB. Trim and materials should match and/or compliment house features. They should be located such that they are not visible from the front of the dwelling unit or a main community street. Consideration will be given to skylights on the front side of the roof ridge line only if constructed flush with the roof.

19. SEASONAL AND HOLIDAY DECORATIONS

Seasonal and Holiday decorations must be removed within 14 days following the conclusion of the holiday.

20. GENERAL CONDUCT

No noxious or offensive activity shall be carried on upon the Lot, nor shall anything be done or placed thereon which may become an annoyance or nuisance to the neighborhood.

All Lots shall be maintained in a clean, safe and sanitary condition. All owners, residents, tenants, guests and invitees shall not be a nuisance, disturb others in the Association, engage in unapproved social activities, criminal activities, and loud noise or misuse the common areas.

21. SECURITY BARS

In general, the use of security bars or gates on windows or doors are prohibited on the Lot. Security doors are acceptable but must be approved by the ARB in advance of installation. Owners concerned about the security of their residence should also consider alternatives, including alarms and sophisticated lock systems.

22. OUTDOOR ANTENNAE

Antennae (dishes) less than three feet (3') in diameter and other equipment designed to receive direct broadcast satellite service may be installed in the rear of the home without application for approval. Installation of such equipment, determined by the installer to achieve reception, should be made within reasonable efforts to conceal such equipment from the street. If a Lot requires installation of Antennas less than three feet (3') in diameter in the front of the Lot, then

an application for approval with specifications for the installation and a certification from the installer that the front of the Lot is the only location where reception may be obtained. The use of the Antennae must not unreasonably interfere with the ownership, use and occupancy of other Lots or the Master Common Areas.

If an Antennae is improperly installed, installed in an area not approved or allowed by the Association, or interferes with other owner's enjoyment of their lots, then the Board of Directors shall have the authority to require the relocation of such Antenna, by and at the cost of the owner of the Lot for which the Antenna is installed, or to relocate to the original designated location on the Lot or to such other location.

23. AWNINGS

All awnings proposed require an application and approval prior to installation. The application must include the material, design and drawings of the location of the proposed awning(s).

24. WINDOWS AND DOORS

All windows and doors must be operable and free of cracks or voids. Broken windows and doors must be immediately replaced with the exact same pattern and materials. The installation, change, or modification to the type or style of the window or door, including replacement of windows, doors and security doors, requires submission of an application and to be installed must receive prior written approval from the ARB. Front entry and rear doors must be consistent with the current designs throughout the community and require submission of an application.

25. WINDOW TREATMENTS

Only standard window coverings of neutral colors are permitted. Neutral colors shall be defined as muted shades that appear to lack color and include light shades of white, grey, and tan. The perception of colors is subjective, and prior to installation, residents are encouraged to contact the ARB to confirm if a window covering is of neutral color. Sheets, blankets, torn blinds, paper, torn window coverings and other unconventional window coverings are prohibited. This provision applies to all structures on any lot. The ARB reserves the right to require owners to remove window treatments that adversely affect the general exterior appearance of the Lot or do not conform with these guidelines.

26. GARAGES

All garages, whether included within a Lot or constructed separately shall be used solely for the purposes of parking and storing of vehicles, and no garage shall be used for residential or office purposes, however, that the foregoing shall not prohibit the use of appliances or storage within the garage so long as the installation and use of such items does not impede the ability to park the vehicle(s) of the Owners or Occupants of the Living Unit in the garage with the garage door fully closed. During the period October 1 through March 30 of each calendar year, each owner must keep the door of the garage of the Lot closed at all times, except when entering or exiting the garage.

No Owner or Occupant of a Townhouse Unit which has a garage included, nor any guest, contractor or other invitee of an owner or occupant of such Living Unit which includes a garage, may park in a driveway, except on a temporary basis for purposes of loading and unloading. In no event shall any vehicle parked temporarily within a driveway be parked in a manner which would encroach on or impede access through, the Private Alleys, the Public Streets, the Master Common Area Parcels or access to and from any Lots.

27. WELLS

No domestic water supply wells, groundwater monitoring wells or groundwater observation wells shall be installed anywhere on the Lot.

**THE RESERVE AT TOWER OAKS HOMEOWNERS ASSOCIATION, INC.
ARCHITECTURAL REVIEW APPLICATION**

- TYPE or PRINT - Please READ INSTRUCTIONS and COMPLETE ALL SPACES. USE A SEPARATE APPLICATION FOR EACH REQUEST.
- County laws may require you to obtain a Building Permit. This may include fences, decks, patios, sheds, etc. You are responsible for contacting the County to determine if a permit is required. Property owner has sole responsibility for compliance with County codes and regulations.
- Owner must contact "Miss Utility" at 800-257-7777 or 811 prior to digging.
- Attach a detailed, scale drawing plat map or blueprint of the lot, with proposed alterations indicated in red. Include all lot and alteration dimensions, color changes, materials and design information.
- Any variation from the original Application must be resubmitted for approval.
- Attach structural drawings, including elevation measurements, the color and material list and photo if available, of proposed alteration.
- INCOMPLETE APPLICATIONS, OR APPLICATIONS SUBMITTED WITHOUT PLANS, ETC., WILL BE RETURNED.
- Use the reverse side of Application if more space is needed.
- SUBMISSION OF APPLICATION DOES NOT GIVE AUTHORIZATION TO BEGIN WORK. WRITTEN APPROVAL MUST BE OBTAINED PRIOR TO COMMENCING ALTERATIONS.

Name: _____ Date Submitted: _____

Address: _____

Work Telephone: (_____) _____

Home Telephone: (_____) _____

E-Mail Address: _____

Lot #: _____ Block: _____

Date Work to Begin: _____

Date Work to be Completed: _____

A. Proposed Alteration:

B. Types of materials:

C. Dimensions: _____

D. Colors: _____ House _____ Trim _____ Door
 _____ Other _____ Stain

E. Additional Details:

_____.

Signature and comments from adjoining property owners. Their signatures indicate an awareness of your intent and do not constitute or indicate approval or disapproval. Signers are encouraged to write to the Association if they have additional comments.

1) Name: _____ Signature: _____

Address/Lot # _____

Comment, if any: _____

2) Name: _____ Signature: _____

Address/Lot # _____

Comment, if any: _____

3) Name: _____ Signature: _____

Address/Lot # _____

Comment, if any: _____

By signing below, you agree and swear that all information contained within this Architectural Review Application is true and correct to the best of your knowledge.

Owner Signature

Date

Owner Signature

Date

FOR ARB USE ONLY

Date Received: _____ Date Action Taken: _____

Reviewed by: _____

APPROVED: _____

WITH THESE EXCEPTIONS: _____

NOT APPROVED: _____

FOR THESE REASONS: _____

INCOMPLETE/PENDING: _____

Returned to Owner: _____

Please provide the following: _____

**THE RESERVE AT TOWER OAKS HOMEOWNERS ASSOCIATION, INC.
RESOLUTION ACTION RECORD**

Duly adopted at a meeting of the Board of Directors held October 17, 2022.

Motion by: Colin Oppenheimer Seconded by: Samuel Williamosky

	VOTE:			
	YES	NO	ABSTAIN	ABSENT
<u>Colin Oppenheimer</u> President	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
<u>Samuel Williamosky</u> Vice President	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
<u>Alison Smith</u> Secretary	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Architectural Guidelines and Standards effective: October 18, 2022.

FOR ASSOCIATION RECORDS

I hereby certify that a copy of the foregoing Architectural Guidelines and Standards was mailed or hand-delivered to the members of the Reserve at Tower Oaks Homeowners Association, Inc. on this 17 day of October, 2022.

Shireen Ambush