

WILDWOOD ESTATES  
HOMEOWNERS ASSOCIATION

ARCHITECTURAL GUIDELINES  
AND  
REVIEW PROCEDURES

**FINAL DRAFT – August 9, 2002**

**WHEREAS**, Article VIII, of the Declaration of Covenants, Conditions and Restrictions (Declaration) for the Wildwood Estates Homeowners Association, Inc. (Association) establishes that the Architectural & Environmental Review Committee (AERC) review and approve, in writing, all proposals and plans for alterations or changes to the exterior of homes and to all lots and

**WHEREAS**, the Board of Directors wishes to establish procedures for obtaining AERC approval and establish guidelines as to what the AERC (also referred to as Committee) may find acceptable or unacceptable;

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

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

**A. Scope of the AERC**

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

**B. Application Process.**

1. In accordance with Article VII of the Declaration for Association, "*...no building, fence, wall (higher than 18") 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 change in color) or other alteration thereupon be made until the plans and specifications showing the nature, shape, height, material, color, type of construction and any other form of proposed change (including, without limitation, any other information specified by the Architectural & 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...*".
2. Every Member shall submit an "Application for Architectural Change" (Application) for any exterior addition to or change or alteration to any Lot or structure. Such application shall include the following:
  - a. Details of the complete plans and specifications of the project, including the height, width, length, size, shape, color (sample if possible), materials, and location of the proposed

improvement. An elevation view of the proposed change should also be included. Photographs of similar completed projects for comparative purposes would be helpful.

- b. A copy of a house location survey or “plat” of the property is also required. This survey should show the exact dimensions of the property and ALL improvements including those covered by the application. (This survey should have been provided by the seller at the time of the original purchase of your home.)
  - (1) The survey, which is submitted, must show:
    - (a) Any conservation easement areas and building restriction lines affecting the property,
    - (b) The proposed item, e.g. deck, drawn to scale, and
    - (c) The distance, in feet and inches, of the proposed item, e.g. deck, from the side and rear property lines.
- c. Notice of receipt of a copy of the applications for major changes, e.g. decks, fences, additions, patios, swimming pools, must be signed by at least two (2) households on adjacent lots whose property will be most affected by the proposed change to the applicant's property. If any of the “affected” households is a renter, it should be so indicated on the application. The Management Company will notify the appropriate absentee Members.

Signing and dating the application in no way indicates either approval or disapproval of the proposed change. The applicant should note addresses of households where a reasonable attempt was made to notify members or where occupants declined to sign the application.
- d. All Members who are given notice of the applicant's proposal and who disapprove of the proposed change must notify the Committee, in writing, within five days of being asked to sign the application. If an affected Member who has been given proper notice files a written protest, the Committee must hold a public meeting to discuss the application. This meeting must take place within thirty (30) days after the applicant and all affected Members have been notified in writing.
- e. Applications for modifications may be obtained from the management agent, and must be submitted at least seven (7) days prior to the next regular AERC meeting.
  - (1) Instructions for completion are on the application with information about when and where meetings are to take place. See the attachment for a sample copy of application.
- f. Any applications not received seven days prior to the Committee meeting will be considered late, and will be reviewed at the Committee’s discretion, but no later than the next scheduled meeting. (Resubmission of a late application is not necessary.)
- g. All applications must be in writing
- h. Applications will be either accepted or rejected by the Committee within the time prescribed in Article VII, Section 3 of the Declaration of Covenants, Conditions and Restrictions.

- (1) If accepted, all work must be started within six (6) months and, unless otherwise specified, must be completed within one year from the date of approval. Applicants are encouraged to complete the work as soon as possible. During construction, the work site must be maintained in a neat and well-maintained manner.
- (2) Minor changes to a proposal deemed necessary by the Committee at the time of acceptance, to bring the proposal into technical compliance with these rules, will be specified by the Committee at the time of acceptance and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the Committee, the application shall be considered rejected and will have to be resubmitted for reconsideration at a subsequent meeting of the Committee.
- (3) If a proposal is rejected, the reason(s) for the rejection shall be stated as part of the written decision, or if the applicant disagrees with suggested changes by the AERC, the applicant may request reconsideration if new or additional information that might clarify the request or demonstrate its acceptability can be provided. The Applicant may pursue an appeal to the Board of Directors in accordance with Article VII, Section 7 of the Declaration and Section V of these Review Procedures.

## II. Architectural Guidelines.

### A. Building Alterations and Additions.

#### 1. General

- a. Any exterior change, alteration or addition that changes the original appearance of an existing building or lot must have the approval of the AERC before any work is begun. Repair that does not alter the original appearance of a building does not require committee approval.
- b. Any change, alteration or addition that has been initiated or completed without the prior approval of the committee, is at risk of being ordered to be altered or removed.
- c. Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building, lot and design scheme for the community.
- d. All roofs must remain the original color installed by builder or other color approved by the AERC.

#### 2. Painting

- a. Exterior color or tint changes shall be in harmony with the other homes in the community. Any change in color requires Committee approval. Paint colors should be traditional "Colonial" style colors, used by the original builder.
- b. Color samples must accompany a request for approval of a color change.

c. Repainting a structure the original color does not require Committee approval.

B. Fences and Walls.

1. The erection of all fences shall be subject to the provisions of Article VII, Sections 1 through 7 of the Wildwood Homeowner Documents.
2. Fencing can be placed on shared property lines, with neighbor's consent, which requires joint application ( i.e., signature of both parties as applicants). Maintenance of the fence is the joint responsibility of both Members. If there is no joint application, the homeowner installing the fence agrees that any subsequent fences installed by adjoining homeowners will abut or be built directly against the existing fence, leaving no space in between.
3. No fence will be approved if its installation will obstruct sight lines of vehicular traffic.
4. Fencing must be set back from the front wall of the dwelling to the end of the garage, as well as adjacent dwelling. Distance to be aesthetically determined.
5. Members will construct no fencing on common area property.
6. Hedges planted for the purposes of creating a "hedge fence" along the Member's property line requires approval from the Committee as if it were a regular fence.
7. Chain link fences are prohibited.
8. If only one side of a fence has finished materials, this side must face out towards the community.
9. The AERC reserves the right to limit the number of different styles and variations of fences. All fences must be kept in good repair and appearance at all times.
10. Awnings will not be permitted on front of house. All other awnings require approval.

C. Decks.

1. In addition to the AERC rules, all decks must comply with county specifications. No deck may be constructed in a conservation easement area or in violation of building restriction lines affecting the property without the prior written consent of the Maryland-National Capital Park and Planning Commission (M-NCPPC).
2. No part of the deck surface may extend beyond the side of the house. This does not include stairs or landings.
3. Deck wood can be pressure treated timber, redwood, iron wood, or western red cedar. Other materials, including synthetics will be considered by the committee. The erection of all decks shall be subject to the provisions of Article VII, Sections 1 through 7 of the Wildwood Homeowner Documents.

4. Replacement of an existing deck requires Committee approval.
5. Screened decks may be considered.
6. No screened decks or porches are permitted in the front of any type of home.
7. Decks may be stained and/or painted provided that the color(s) conform to the color scheme for the main house.
8. Screened in porches may be painted or stained to match the color of the siding or the trim of the house.

#### D. Patios

1. Patios require the prior written approval of the AERC.
2. Patio location is limited to rear yards only.
3. Patios constructed of flagstone, concrete, brick or wood are permitted.

#### E. Landscaping and Planting

1. The Committee encourages planting of grass, flowers, trees, and shrubbery provided the Member properly maintains them. Such landscaping does not require Committee approval. Hedge fences must be approved by the Committee. See Section B. 7.
2. Landscaping projects that alter the Lot topography and drainage patterns must have Committee approval.
3. All retaining or decorative garden walls must be made of either natural stone, masonry or pressure treated wood and must be approved.
4. Vegetable gardens must be located between the rear line of the house and the rear property line and may not exceed in size more than 1/4 of this area.

#### F. Exterior Antennas

1. Per Federal Communications Act of 1996, installation of satellite dishes and or antennas do not require committee approval provided that they meet the following criteria:
  - a. That all satellite dishes are 1 meter in diameter or smaller.
  - b. Satellite dishes and antennas be placed to allow for best reception while maintaining the aesthetic appearance of the neighborhood.
  - c. Exterior wiring must be hidden from view to the greatest possible degree. Wiring should be attached to the house at appropriate intervals.
  - d. Ground level wiring must be buried.

#### G. Swimming Pools, Fountains, and Fish Ponds

1. Only in-ground pools will be considered.
2. Detailed plans for the location and construction of a pool and pool decking must be submitted.
3. Detailed plans for fountains and fish ponds must be submitted.

#### H. Storm Doors

1. All types and colors of front storm or screen doors require prior written approval of the Committee. Rear storm doors do not require approval.
2. The color should match the house color. Consideration will also be given to variations in shade.

#### I. Siding and Windows

1. Repaired or replaced siding or window frames must match the style and color of the existing siding or window frames.
2. The AERC will consider applications for vinyl, aluminum or other artificial siding provided, that the existing style and design are maintained.
3. New windows must be submitted for approval.

#### J. Sheds

1. No sheds will be permitted.

#### K. Playground Equipment

1. All playground or recreational equipment, including basketball standards/hoops, require the written approval of the AERC.
2. Playground equipment may be installed in the backyard only. Consideration should be given to equipment size, design, and visual screening.
3. Portable Basketball goals do not need committee approval. Portable Basketball goals should not be placed on public roads or sidewalks, nor placed so as to have the players on a public road or sidewalk. As with any recreational equipment, fixed or portable Basketball goals and nets should be kept in good repair and appearance at all times.

#### L. Hot Tubs

1. Hot tubs are permitted, but require the prior written approval of the Committee.
2. Hot tubs should be located at the rear of the home.

3. Members are requested to lock hot tubs when not in use for child/animal safety.

#### M. Firewood

1. Firewood must be stored in accordance with County guidelines and may not be stored in the front of the home.

#### N. Exterior Decorative Objects

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

#### O. Exterior Lighting

1. Applications for exterior lighting should include wattage, height of light fixture above the ground and a complete description, including material, and location of the fixture on the property.
2. Lighting which is part of the original structure must not be altered without Committee approval.
3. Holiday lighting is permitted between December 1st and January 31st and does not require Committee approval.
4. Output (lumens) restricted to no greater than that of 70 watts per bulb.
5. No exterior lighting shall be directed outside the applicant's property.
6. Angle of light projection may not be more than 45 degrees.

#### P. Permanent Grills

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

#### Q. Attic Ventilators

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

#### R. Sidewalks, Pathways and Other Pavement

1. Sidewalks, pathways and other pavement require Committee approval.
2. Driveway expansions are subject to review on a case by case basis.
3. Repair that does not alter original design or color of driveway need not be approved.

#### S. Gutters and Down Spouts

1. Gutters and downspouts must be consistent with the overall color scheme of the home.
2. Repaired or replaced gutters and down spouts must be the same as the existing gutters and down spouts.

#### T. Mailboxes

1. Mailboxes and mailbox posts should be well maintained and kept in good repair.
2. Mailboxes should be located so as to not obstruct sidewalks or sight lines and must be in accordance with postal regulations.
3. Replacement of a mailbox of a similar color and style does not require Committee approval. Any changes in mailbox style or color must be by the AERC.

#### U. Trash Can

1. Trashcans must be stored out of sight and not placed at the curb prior to the evening before the trash collection day.
2. All trash must be in trash containers with lids, with the exception of recycling.

#### V. Real Estate Sales/Rent Signs

1. Real estate signs must meet the requirements of Article VII, Section 8.K of the Declaration as well as County regulations with respect to size, content and removal.

#### W. Mowing

1. Turf areas need to be mowed at regular intervals, maintaining a maximum height of six inches. Members are expected to take reasonable measures to maintain a healthy, green lawn.
2. If turf is not properly maintained, HOA can mow turf and assess homeowner, as stated in Article X, Section 1 of the Wildwood Homeowner Documents.
3. Grass cuttings must be cleared from sidewalks and driveways.

#### X. Compost Piles



1. Compost piles must be constructed of a wooden outside frame with wire or block interior. These piles must have a screen planting plan submitted with each application. Compost piles should not exceed 3ft in height or cover more than 25 square feet. They must be located in the rear of the home at least 5 ft from the property line and they must be properly maintained (including periodic turning and straw coverage). Failure to maintain a satisfactory compost pile and/or a determination by the Committee that the compost has become a public nuisance shall be considered an abandonment of the compost pile and a violation of the Rules.

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

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

### IV. Appeals to the Board of Directors

- A. Any Member aggrieved by a decision of the AERC concerning the approval or denial of an Application shall have the right to appeal that decision to the Board of Directors, provided, however, that the Member, other than the applicant, who failed to register his objections with the AERC, either in writing prior to, or by appearance at, the hearing, shall be deemed to have waived the right of appeal. The Board of Directors may reverse or modify the decision of the AERC by a vote of two-thirds (2/3) of the Board of Directors.
- B. No work covered by an application shall be performed until the Board has heard any and all appeals and a decision rendered.
- C. In case of an appeal to the Board of Directors, all persons with a properly registered objection to the original application will be notified of the appeal by the Board in writing ten days prior to the Board hearing the appeal.
- D. Hearings before the Board of Directors

At a hearing before the Board of Directors, the following procedures will be followed:

1. Proof of the notice of hearing and the invitation to be heard will be placed in the minutes of the hearing. This requirement is waived if the Member appears at the hearing.

2. The AERC will present the information concerning the alleged violation.
3. The Member, if present, may present information regarding the alleged violation.
4. Any other parties who wish to speak at the hearing will be allowed a time period not to exceed 5 minutes each.
5. Within 15 days after the date of the hearing, the Member will be advised, in writing, of the decision made by the Board of Directors.
6. If the decision of the AERC is upheld, the Member will be notified in writing of the corrective actions required and the time by which the corrective actions must be completed. The Member will be afforded a minimum of 15 days to complete corrective actions.

#### V. Maintenance of Property

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

1. Peeling or stained paint on home, garage or other structure.
2. Broken fences or missing sections.
3. Decks in disrepair.
4. Playground equipment in disrepair.
5. Broken window(s) or door(s).
6. Rain spouts in disrepair or in need of painting.
7. Shutters in disrepair, in need of painting, or missing.
8. Sidewalks, driveways or other pavement in disrepair.
9. Piles of grass, leaves, shrubbery, clippings, and tree branches.
10. Gardens or shrubbery that have been neglected or have died.
12. Excessive weeds
13. Debris piled on decks, patios, or at rear of home.
14. Window screens must be on windows, or stored in garage.

#### VI. Inspection

- A. The Committee or its agent will conduct a walking survey of the community once a year for compliance with architectural standards as stated in the Association Covenants and Restrictions and these Rules. When feasible, a Board member or other Board-designated member of Association will accompany the Committee on their inspection.
- B. The Committee Chair will make a periodic survey of the community for compliance.
- C. Upon completion of an approved Architectural change, the Committee may inspect a property which has undergone improvements and, if inspected, shall notify the owner in writing of any inconsistency with the plan approved by the Committee.

## VII. Violation and Enforcement Procedures

### A. Types of Violations:

- 1. Any change to the exterior of a home or Lot without submitting an application to the AERC;
- 2. Any change to the exterior of a home or Lot that is disapproved by the AERC or expressly prohibited by the Declaration, by-laws, or AERC Rules; or
- 3. Any change that does not comply with any approved rule or guideline adopted by the Committee.
- 4. Failure to maintain the home or lot in accordance with acceptable standards of the community.

### B. All reports of alleged violations must be submitted in writing to the Committee by the aggrieved Member or through an inspection report completed by the Association or its agent.

### C. Upon receipt of a written complaint or notice of alleged violation(s), the AERC members shall execute the following procedures:

- 1. The Chairman will appoint members of the Committee to investigate the allegation, and report back to the Committee. If no violation(s) is/are discovered, the complainant will be informed in writing by the Committee. If there is a violation, the Committee will take the necessary action.
- 2. In all cases, the name of the alleged violator will be kept confidential until the violation has been established.
- 3. The name of the complainant shall be kept confidential to the greatest degree possible subject to the requirements of the Maryland Homeowner Association Act (Annotated Code, Real Property, §11B.).

### D. Notification of Violations

- 1. A letter will be sent to the Member advising the Member of the potential violation(s). A response form will be included with the letter that will allow the Member to reply to the potential violation(s). The response form should be returned to the management agent within fifteen (15) days from the date of the letter.

2. If the Member completes the response form within the fifteen (15) day time period, the Member's response shall be reviewed and a determination made as to whether or not a violation exists. If a violation is found to exist, or if there is no response to the form, a violation letter will be sent to the Member advising the Member of the violation noted. The Member will then have fifteen (15) days from the date of the violation letter to provide documentation that aggressive steps are being taken to alleviate the violation.
3. If the violation(s) is/are not corrected and documentation not provided within the fifteen (15) day period prescribed in the notice of violation, a hearing before the Board of Directors will be scheduled and a notice of hearing will be sent to the Member by Certified Mail, Return Receipt Requested, advising the Member of the hearing before the Board of Directors regarding the alleged violation(s). The notice will contain the following information:
  - a. The nature of the alleged violation(s);
  - b. The time and place of the hearing (with consideration given to schedules of the Board members and the Member), which may not be less than ten (10) days from the date of the notice;
  - c. A request to attend the hearing and produce any statement, evidence, and witness on the Member's behalf; and
  - d. The proposed fine(s) or other sanctions proposed to be imposed.
  - e. The Member is requested to appear at this hearing. However, if the Member does not attend the hearing, a decision will be made without the Member's input.
  - f. Within fifteen (15) days following the hearing, the Association shall notify the Member, in writing, of the results of the hearing and the decision rendered by the Board of Directors as to any sanction to be imposed.

#### E. Continuing/Uncorrected Violations

1. If the Board determines that the Member is in violation and the violation(s) is/are not corrected by the date specified by the Board, a reasonable fine may be imposed. [Article VII, Section 13(d)]
2. If the violation(s) remain uncorrected on the thirtieth (30<sup>th</sup>) day after the imposition of the sanction(s) as specified in section VII. D. 3. f. above, the Association shall initiate action to adjudicate the matter through a complaint with the Montgomery County Office of Common Ownership Communities (OCOC) or other court of competent jurisdiction.

#### F. Recurring Violations

1. Should a Member correct a violation and subsequently commit the same violation within a 12-month period, then a recurring violation has occurred.

2. A notice of hearing will be sent to the Member by Certified Mail, Return Receipt Requested, advising the Member of the hearing before the Board of Directors regarding the alleged violation(s). The notice will contain the following information:
    - a. The nature of the alleged violation(s);
    - b. The time and place of the hearing (with consideration given to schedules of the Board members and the Member), which may not be less than ten (10) days from the date of the notice;
    - c. A request to attend the hearing and produce any statement, evidence, and witness on the Member's behalf; and
    - d. The proposed fine(s) or other sanctions proposed to be imposed.
    - e. The Member is requested to appear at this hearing. However, if the Member does not attend the hearing, a decision will be made without the Member's input.
    - f. Within fifteen (15) days following the hearing, the Association shall notify the Member, in writing, of the results of the hearing and the decision rendered by the Board of Directors as to any sanction to be imposed.
  3. If the Board determines that there is a recurring violation and the violation(s) is/are not corrected by the date specified by the Board, a reasonable fine may be imposed.
  4. If the violation(s) remain uncorrected on the thirtieth (30<sup>th</sup>) day after the imposition of the sanction(s) as specified in section VII. D. 3.f. above, the Association shall initiate action to adjudicate the matter through a complaint with the Montgomery County Office of Common Ownership Communities (OCOC) or other court of competent jurisdiction.
- G. A Member will have the right to appeal any action taken by the Board to the Montgomery County Office of Common Ownership Communities (OCOC) or any other body with proper jurisdiction.

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

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

#### IX. Liability and Indemnification

- A. All duly appointed officers and members of the AERC are protected from legal action against them, as accorded Board of Directors and Officers as set forth in Article X, Section 1 of the By-laws for the Association.

X. Amendment.

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