

FOUNTAIN HILLS
COMMUNITY ASSOCIATION

ARCHITECTURAL GUIDELINES
AND
REVIEW PROCEDURES
Adopted, 1995
Revised October, 2007

WHEREAS, Article VIII, of the Declaration of Covenants, Conditions and Restrictions (Declaration) for the Fountain Hills Community Association, Inc. (Association) establishes that the Architectural Review Committee (ARC) review and approve, in writing, requests for alterations to all changes, alterations of exterior additions upon the Property and all Lots, and

WHEREAS, the Board of Directors wishes to establish procedures for the operation of the ARC and procedures for obtaining ARC approval and establish guidelines as to what the ARC (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 ARC AND APPLICATION PROCEDURES.

A. Scope of the ARC

The purpose of the ARC is to regulate the external design, appearance, use, location, and maintenance of 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 ARC relies on the appropriate County authorities to regulate the soundness of the construction and takes no responsibility in this regard.

B. Operation of the Committee.

1. The Board of Directors will appoint an ARC comprised of an odd number of three or more Members of the Association as designated from time to time by the Board of Directors. All ARC members will serve at the pleasure of the Board.
2. The members of the ARC will choose a committee chairman or co-chairmen from among the ARC members.
3. If fewer than three Members are willing to serve on the ARC, the Neighborhood Advisory Councils will perform all functions and duties of the ARC.
4. A quorum of three voting ARC members must be present at an ARC meeting for business to be conducted.
5. The affirmative vote of a majority of the voting ARC members present at any meeting at which a quorum is present is required to make any decision pursuant to the authority contained in this resolution.

6. A member of the ARC will be removed from the committee if at any time the members' monthly assessment remains unpaid for more than 30 days or for any violation of the Covenants and/or rules and regulations of Association.
7. An ARC member may be removed from the committee by the affirmative vote of a majority of the remaining committee members for failure to attend three (3) consecutive committee meetings or failure to attend four (4) committee meetings during any twelve (12) month period.
8. The ARC will meet a minimum of once every month or as necessary.

C. Application Process.

1. In accordance with Article VIII of the Declaration for Association, "No building, fence, wall or other structure shall be commenced, erected, placed, moved or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography and conformity with the design concept for the community of "Fountain Hills" 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 house location survey or site diagram 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 you purchased your home. With respect to Applications submitted for the approval of a deck, the survey which is submitted must show (i) conservation easement areas and building restriction lines affecting the property, (ii) the proposed item, e.g. deck, drawn to scale, and (iii) the distance, in feet and inches, of the proposed item, e.g. deck, from the side and rear property lines.
 - c. Applications must be signed by the four (4) Members whose property will be most immediately affected by the proposed change to the applicant's property. If the resident is a renter, it should be so indicated on the application. The management company will notify the appropriate absentee Members. The purpose for having the aforementioned signatures is to provide adequate notice of the proposed change. **Signing the application in no way indicates either approval or disapproval of the proposed change.** Names and addresses of Members who refuse to sign should be noted on the application by the applicant. All Members who are given notice of the proposed change to the applicant's Lot and who disapprove of the proposed change must notify the ARC, in writing,

within five (5) days of being asked to sign the application. If an affected Member who has been given proper notice files a written protest, the ARC must hold a public hearing to discuss the application. This hearing will occur at the first meeting of the ARC after which all parties can be notified in writing.

- d. Applications can be obtained only from the management agent and via the internet on the Fountain Hills website (www.fountainhillscommunity.com), and must be submitted at least seven (7) days prior to the next monthly ARC meeting.

- (1) The blank application may be photocopied without alteration to its contents. Three (3) photocopies are required. No modified versions of the application will be accepted by the ARC.

- (2) Instructions for completion are on the application with information about when and where meetings are to take place. See the attachment for a sample copy of application.

- e. Generally, ARC meetings will be held the fourth Tuesday of each month.
- f. Any applications not received seven days prior to the ARC meeting will be considered late, and will be reviewed at the next scheduled meeting. (Resubmission of a late application is not necessary.)

- g. All applications must be in writing

- h. The ARC will make every effort, such that on-time applications are either approved or disapproved by the ARC within thirty (30) days. If approved, all work must be started within six (6) months and 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 workman-like manner. If approval/disapproval has not been made within 60 days, and the application is consistent with the guidelines, then the application will be considered approved.

- 3. If a proposal is rejected, the reason(s) for the disapproval shall be stated as part of the written decision. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided. The Applicant may pursue an appeal to the Board of Directors in accordance with Section V of these Rules and Procedures.

- 4. Minor changes to a proposal deemed necessary by the ARC at the time of approval, to bring the proposal into technical compliance with these rules, will be specified by the ARC at the time of approval and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the ARC, the application shall be considered disapproved and will have to be resubmitted for reconsideration at a subsequent meeting of the ARC.

II. Architectural Guidelines (Single Family Neighborhoods).

A. Building Alterations and Additions.

1. General.

- a. Any exterior alteration must have the approval of the ARC before any work is begun.

- b. Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building and community.
- c. All roofs must be black.

2. Painting.

- a. Exterior color or tint changes shall be in harmony with the other homes in the community. Any change in color requires ARC approval.
- b. Color samples must accompany a request for approval of a color change.
- c. Repainting a structure the original color does not require ARC approval.

B. Fences and Walls.

- 1. Except as otherwise specified, all styles and types of fences will be considered by the ARC, however, ALL fences require the written approval of the ARC.
- 2. The height of the fence is defined as the tallest point of the fence as measured from the ground. This includes both posts and fence sections.
- 3. The following guidelines apply to "Village" Homes:
 - a. Split rail fencing will not be permitted.
 - b. Front yard fencing must be 36" or 42" high picket fences and must be white in color.
 - c. Side yard fencing on the below listed corner lots must be 36" or 42" high picket fences and must be white in color.

(1) Lots to which the above side yard fencing restriction applies are as follow (lot numbers can be found on the property survey):

BLOCK:	LOTS:
A	345, 346, 351, 352, 358, 363, 401, 418, 422
B	1, 4, 17, 21
C	6, 10, 17, 21, 27, 31, 39
G	1, 5, 6, 11

(2) No adjacent lots with front or side yard fencing of a 36" or 42" height will have the identical fence style.

- d. Unless otherwise restricted above, rear and side yard fencing may be of a board on board (a.k.a. alternating board) style or a solid board style with the finished (not rail) side facing out, or picket style and may be a maximum of five feet (5') in height. Such fencing shall be either natural wood finish or white in color. Notwithstanding the foregoing, a lattice panel not exceeding one foot (1') in height may be included on such fencing to bring the overall fence height to a maximum of six feet (6').
- e. Fencing in rear yards abutting alleys will not be permitted past the rear (alley side) garage wall or 4' from the rear property line, whichever is closer to the paved alley surface.
- f. Fencing will be permitted in the front yards but must remain at least one foot (1') behind the sidewalk easement.
- g. Fencing materials may include wood, plastic, and ornamental aluminum, composite materials (e.g. "Trex") and steel.
- 4. The following guidelines apply to Lake Placid Lane:
 - a. Split Rail fencing (two or three rails) with optional wire mesh, on the inside of the fence, is permitted for property separation. Other types of fences will be considered. The top of the posts cannot exceed a height of six (6)

feet. However, the height of the top rail must be consistent with any pre-existing fences immediately adjacent to the property. The height must not exceed six (6) feet. Various types of privacy fencing will be considered by the ARC. Fencing materials may include wood, plastic, and ornamental aluminum, composite material (e.g. "Trex") and steel.

- b. Fencing will not be permitted to extend forward of the front wall of the dwelling unit.
- 5. 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.
- 6. No fence will be approved if its installation will obstruct sight lines of vehicular traffic.
- 7. No fencing will be constructed by Members on common area property.
- 8. Hedges planted for the purposes of creating a hedge fence along the Member's property line require approval from the ARC as if it were a regular fence.
- 9. Chain link and other wire fencing (with the exception of wire mesh inside split rail fences for Lake Placid homes only) is specifically prohibited.
- 10. If only one side of a fence has finished materials, this side must face out towards the community.

C. Decks.

- 1. In addition to the ARC 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. All decks require written approval of the ARC.
- 3. Deck locations are limited to rear yards only.
- 4. Deck materials must be rot-resistant and insect-resistant wood or man-made products that give the appearance of wood.
- 5. Replacement of an existing deck requires ARC approval.
- 6. Enclosed, under-deck storage is permitted. White lattice may be used. For existing porches installed by the builder, white lattice may be installed without seeking ARC approval.
- 7. Screened decks will be permitted.
- 8. Wood decks may be stained and/or painted provided that the color(s) conform to the color scheme for the main house. Decks made of man-made materials must conform to the color scheme of the house.
- 9. Elevated decks may not be constructed any closer to the side property lines than one foot (1'). Ground level decks may be constructed to the side property lines only if a fence, five feet (5') in height, is constructed along the property lines, the full length of such deck. Notwithstanding the foregoing, a lattice panel not exceeding one foot (1') in height may be included on such fencing to bring the overall fence height to a maximum of six feet (6'). Any fence is also subject to approval.
- 10. Subject to provision 1. above, elevated decks may not be constructed any closer to the rear property line than five feet (5').

11. Stairs, balusters and any object attached to decks must conform to the same guidelines as the overall deck.

D. Front Porches

1. Repair of an existing front porch requires no ARC approval.
2. Replacement of an existing or addition of a new porch requires ARC approval.
3. Front porches must retain their original color scheme.
4. Porch materials must be rot-resistant and insect-resistant wood or man-made products that give the appearance of wood.

E. Patios

1. Patios require the written approval of the ARC.
2. Patio location is limited to rear yards only.
3. Patios constructed of flagstone, concrete, brick, rot-resistant or insect-resistant wood, or similar materials designed for outdoor use are permitted.

F. Additions

1. Additions require the written approval of the ARC.
2. Roof, siding style and color, trim colors must match that of the original structure.

G. Garages

1. Roof, siding style and color, trim colors must match that of the home.
2. Must have windows on any side that will be facing a public street.
3. Garages opening to alleys must have two (2) light fixtures facing the alleyway that are controlled by a photocell so that the lights are operational during hours of darkness.
4. All garages require written approval of the ARC.

H. Landscaping and Planting

1. The ARC encourages planting of flowers, trees, and shrubbery provided they are properly maintained by the Member. Such landscaping does not require ARC approval. Hedge fences must be approved by the ARC. See Section B.8.
2. Landscaping projects that alter the Lot topography and drainage patterns must have ARC approval.
3. All retaining walls must be made of natural stone, masonry or rot-resistant wood and must be approved.
4. Vegetable gardens must be located between the front line of the house and the rear property line and may not exceed in size more than 1/4 of the rear and side yard area.
5. No structure, planting or other materials shall be placed or permitted to remain in the easement which interferes with the installation and maintenance of utilities.

I. Exterior Antennas

1. No radio or television receiving or transmitting antenna shall be permitted on any Lot. Normal radio and television installations must be entirely within the building.
2. Satellite dishes with a diameter of less than one meter shall be permitted. They should be installed with preference to the following locations: 1st - rear of house, 2nd - side of house near ground (preferably near meters and air conditioning unit), 3rd - on rear slope of roof, 4th - front of house near ground

where landscaping can be placed in front of dish. If none of these locations allows adequate satellite reception, then the home owner may install in alternate location, but must provide documentation that the preferred locations were checked but did not permit satisfactory reception.

3. Satellite dishes do not require ARC approval.

J. Swimming Pools

1. Only in-ground pools will be considered.
2. Detailed plans for the location and construction of a pool must be submitted for ARC consideration.

K. Storm Doors

1. All types and colors of storm or screen doors require prior written approval of the ARC.
2. The color must match the house color or the color of the existing door. Consideration will also be given to variations in shade.

L. 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 ARC 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.

M. Sheds

1. Lake Placid Lane Homes

- a. Sheds must be installed as close to the house as possible. Application must specify location of shed.
- b. Sheds cannot exceed eight feet (8') in height (at the peak) or a twelve foot (12') by fourteen foot (14') footprint (length and width). The height restriction can be waived if the shed is designed to be architecturally similar to the residence, to allow for a steeper pitch in the roof.
- c. Drawings, specifications or a picture of a similar shed must accompany application.
- d. Shed should be painted and roofed to match the exterior of the home. All roofs must be black.

2. "Village" Homes:

- a. Sheds must be installed as close to the house or garage as possible. Application must specify location of shed.
- b. Sheds cannot exceed eight feet (8') in height (at the peak) or a ten foot (10') by ten foot (10') footprint (length and width) for homes backing to alleys. Sheds cannot exceed eight feet (8') in height (at the peak) or a twelve foot (12') by fourteen foot (14') footprint (length and width) for homes not backing to alleys. The height restriction can be waived if the shed is designed to be architecturally similar to the residence, to allow for a steeper pitch in the roof.
- c. Drawings, specifications or a picture of a similar shed must accompany application.
- d. Sheds should be painted and roofed to match the exterior of the home. All roofs must be black.

3. All sheds require the prior written approval of the ARC.

4. Members are requested to lock sheds when not in use for child/animal safety.

N. Playground Equipment

1. All playground or recreational equipment, including basketball standards/hoops, require the written approval of the ARC.
2. Playground equipment may be installed in the backyard only. Consideration should be given to equipment size, design, and visual screening.
3. Applications must show the location of the proposed playground equipment.

O. Hot Tubs and Spas

1. Hot tubs are permitted, but require the written approval of the ARC.
2. Hot tubs should be located at the rear of the home.
3. Hot tub enclosures must be approved by the ARC and require separate application from the hot tub. Enclosures/screening must complement the existing house color/style .

P. Firewood

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

Q. Exterior Decorative Objects

Approval is required only for all natural and man-made exterior decorative objects which 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.

R. 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 ARC approval.
3. Holiday lighting is permitted between Thanksgiving day and January 31st and does not require ARC approval.
4. Floodlighting fixtures may not be installed higher than the vertical center of the windows on the highest living level of the home.
5. Output (lumens) restricted to **no greater than that** of a 70 watt high pressure sodium (HPS) lamp (5670 lumens).
6. No exterior lighting shall be directed outside the applicant's property.

S. Flagpoles

Permanent flagpoles should be of a height (not to exceed twenty feet from ground level or not to extend above the roof line, whichever is lower), color and location which is appropriate for the size of the property. Permanent free standing flagpoles require the prior written approval of the ARC. Members wishing temporary flagpole staffs which do not exceed six feet (6') in length and which are attached at an incline on or perpendicular to the front wall or pillar of the home need not have ARC approval.

T. Permanent Grills

1. Permanent gas grills must be placed in the rear of the house. ARC approval is required.

U. Attic Ventilators

Attic ventilators and turbines must match the siding or trim of the house if mounted on a gable end. Ventilators mounted on the roof should be in harmony with the existing units in the community. .

V. Sidewalks, Pathways and Other Pavement

1. Sidewalks, pathways and other pavement require ARC approval.
2. Driveway expansions require ARC approval.
3. No pathway, sidewalk or other pavement shall be placed or permitted to remain in the easement which interferes with the installation and maintenance of utilities.
4. Sidewalks, pathways and other pavement constructed of flagstone, concrete, brick or similar materials designed for outdoor use are permitted. Color and style should complement the existing home.

W. Gutters and Down spouts

1. Gutters and down spouts 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 downspouts. Any additional installations of gutters of downspouts or changes in color require ARC approval.

X. Mailboxes

Mailboxes and mailbox posts should be well maintained and kept in good repair. They should be located so as to not obstruct sidewalks or sight lines and must be in accordance with postal regulations. Replacement of a mailbox of a similar style does not require ARC approval. All mailboxes for single family detached homes shall be painted metal on unpainted, white, or black wooden posts similar to those installed by the builder. If the boxes are not black, they should be of a color or decorated to be consistent with the appearance of the particular home.

Y. Trash Cans and Recycle Bins

1. Trash cans must be stored out of sight and not placed at the curb prior to 5pm the day before the trash collection day.
2. The point of trash collection will be the curb nearest the front of each home. Trash will be collected at the rear of Village homes with garages or parking pads accessed by alleys.
3. Recycle bins should be placed only on publicly maintained streets for pick-up in the Village Section.
4. Yard recycle bags and recycle bins must be stored out of sight and not placed at the curb prior to 5pm the evening before the recycle collection day.
5. All trash must be placed in covered containers.
6. All trash cans and recycle bins must be removed from the curb no later than 8pm the day of pickup.
7. Homeowners are responsible for cleanup of any spillage from their trash.

Z. Real Estate Sales/Rent Signs

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

AA. Compost Piles

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 3 ft in height or cover more than 50 square feet. They must be located in the rear of the home at least 5 ft within 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 ARC that the compost has become a public nuisance shall be considered an abandonment of the compost pile and a violation of the Rules.

BB. Mowing

Turf areas need to be mowed at regular intervals, maintaining a maximum height of six inches. Members are expected to take all reasonable measures to maintain a healthy, green lawn.

III. Architectural Guidelines (Townhouse Neighborhoods)

A. Building Alterations and Additions.

1. General.

- a. Any exterior alteration must have the approval of the Committee before any work is begun.
- b. Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building and community.
- c. All roofs must be black.

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 "Williamsburg" colors.
- 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. Except as otherwise specified, all styles and types of fences will be considered by the Committee, however, ALL fences require the written approval of the Committee.
2. The top of the fence posts cannot exceed a height of six (6) feet. However, the height must be consistent with any pre-existing fences immediately adjacent to the property. The height must not exceed six (6) feet (including lattice). Various types of privacy fencing will be considered by the Committee.
3. 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.
4. No fence will be approved if its installation will obstruct sight lines of vehicular traffic.
5. Fencing will not be permitted to extend forward of the front wall of the dwelling unit.
6. No fencing will be constructed by Members on common area property.

7. Hedges planted for the purposes of creating a hedge fence along the Member's property line require approval from the Committee as if it were a regular fence.
8. Chain link or other galvanized metal fences are prohibited.
9. If only one side of a fence has finished materials, this side must face out towards the community.
10. Fencing materials may include wood, plastic, and composite materials (e.g. "Trex") and steel.

C. Decks.

1. In addition to the ARC 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. Deck location is limited to rear yards only.
3. Deck wood must be pressure treated timber, redwood, western red cedar or composite material (e.g. "Trex") which has the appearance of wood.
4. Replacement of an existing deck requires Committee approval.
5. Enclosed, under-deck storage is permitted. See Section M for rules on Sheds.
6. Screened decks will be permitted; however, written approval is required.
7. No screened decks are permitted in the front of any type of home.
8. Decks may be stained and/or painted provided that the color(s) conform to the color scheme for the main house.
9. Screened in porches may be painted or stained to match the color of the siding or the trim of the house.
10. Elevated decks may not be constructed any closer to the side property lines than one foot (1'). Ground level decks may be constructed to the side property lines only if a fence, six feet (6') in height, is constructed along the property lines, the full length of such deck. Any fence is also subject to approval. See #12 below for end-unit townhomes.
11. Subject to provision 1. above, elevated decks may not be constructed any closer to the rear property line than five feet (5').
12. Decks which are built on end Lots of a Townhouse row of Lots shall not extend beyond the side of the dwelling constructed on such Lot, and shall be fully contained within the rear yard of any such Lot. Elevated decks may not be constructed any closer to the side property line than one foot (1') on the shared side of the property.
13. Stairs, balusters and any object attached to decks must conform to the same guidelines as the overall deck.

D. Patios

1. Patios require the prior written approval of the ARC.
2. Patios location is limited to rear yards only except for the multi-family units.
3. Patios constructed of flagstone, concrete, brick or wood are permitted.

E. Additions

1. Additions require the prior written approval of the ARC.
2. Roofing must be black and siding must match the existing material and colors of the original structure.

F. Landscaping and Planting

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

G. Exterior Antennas

1. No radio or television receiving or transmitting antenna, satellite dish or external apparatus greater than twenty four inches (24") in diameter shall be permitted on any Lot.

H. Swimming Pools

1. No installed pools are allowed.

I. Storm Doors

1. All types and colors of storm or screen doors require prior written approval of the Committee.
2. The color should match the house color or the color of the existing door. Consideration will also be given to variations in shade.

J. 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 ARC 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.

K. Sheds

1. Sheds may be located back-to-back and attached to the fence separating adjacent rear yards.
2. Sheds cannot exceed seven feet (7') in height (at the peak) or a four foot (4') by six foot (6') footprint (length and width).
3. Drawings, specifications or a picture of a similar shed must accompany application.
4. Sheds should have a natural stain and roofs must be pitched to conform with existing sheds within the townhouse section of the community. All roofs must be black.
5. All sheds require the prior written approval of the ARC.
6. Members are requested to lock sheds when not in use for child/animal safety.

L. Playground Equipment

1. All playground or recreational equipment, including basketball standards/hoops, requires the written approval of the ARC.
2. Playground equipment may be installed in the backyard only. Consideration should be given to equipment size, design, and visual screening.

3. Basketball goals are permitted with prior written approval.

M. Hot Tubs and Spas

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. Hot tub enclosures must be approved by the ARC and require separate application from the hot tub. Enclosures/screening must complement the existing house color/style .

N. Firewood

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

O. Exterior Decorative Objects

1. Approval is required only for all natural and man-made exterior decorative objects which 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.

P. 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 Thanksgiving day and January 31st and does not require Committee approval.
4. Floodlighting fixtures may not be installed higher than 20' from the ground.
5. Output (lumens) restricted to no greater than that of a 70 watt high pressure sodium (HPS) lamp (5670 lumens).
6. No exterior lighting shall be directed outside the applicant's property.
7. Angle of light projection may not be less than 45 degrees.

Q. Flagpoles

Permanent flagpoles should be of a height (not to exceed twenty feet from ground level or not to extend above the roof line, whichever is lower), color and location which is appropriate for the size of the property. Permanent free standing flagpoles require the prior written approval of the Committee. Members wishing temporary flagpole staffs which do not exceed six feet (6') in length and which are attached at an incline on the front wall or pillar of the home need not have Committee approval.

R. Permanent Grills

1. Permanent gas grills must be placed in the rear of the house. Committee approval is required.

S. Attic Ventilators

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. Committee approval is required.

T. 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. Addition/Replacement of railings to front steps requires Committee approval.

U. Gutters and Downspouts

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

V. Trash Cans

1. Trash cans must be stored out of sight and not placed at the curb/alley prior to 5pm the evening before the trash collection day.
2. The point of trash collection will be the curb nearest the front of each home. Trash will be collected at the rear of homes located on alleys
3. Yard recycle bags and recycle bins must be stored out of sight and not placed at the curb prior to 5pm the evening before the recycle collection day.
4. All trash must be placed in covered containers.
5. All trash cans and recycle bins must be removed from the curb no later than 8pm the day of pickup.
6. Homeowners are responsible for cleanup of any spillage from their trash.

W. Real Estate Sales/Rent Signs

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

X. Compost Piles

Compost piles are not allowed in the townhome sections.

Y. Mowing

Turf areas need to be mowed at regular intervals, maintaining a maximum height of six inches. Members are expected to take all reasonable measures to maintain a healthy, green lawn.

IV. Local Building, Work Permits and Architectural Soundness

- A. ARC 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 ARC will not knowingly approve a project which is in violation of the local building or zoning codes or in violation of the Covenants & Restrictions of record.
- E. The purpose of the ARC is to regulate the external design, appearance, use, location, and maintenance of 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 ARC relies on the appropriate County authorities to regulate the soundness of construction and takes no responsibility in this regard.

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, gardens, shrubbery, and trees. The following are examples of basic maintenance violations:

1. Peeling 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), screen(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. Missing house numbers (note - all numbers must comply with County regulations which require that new or replacement numbers must be six inches in height).
9. Sidewalks, driveways or other pavement in disrepair.
10. Piles of grass, leaves, shrubbery, clippings, and tree branches.
11. Gardens or shrubbery that have been neglected or have died.
12. Periodic inspections are conducted and maintenance violations will be addressed by the HOA in accordance with the procedures set forth in the Bylaws of the Association.

VI. Appeals to the Board of Directors

- A. Any Member aggrieved by a decision of the ARC concerning the approval or denial of an Application shall have the right to make an appeal to the Board of Directors within seven (7) days, provided, however, that the Member, other than the applicant, who failed to register his objections with the ARC, 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 a decision of the ARC by a vote of two-thirds (2/3) of the Board of Directors. The Board of Directors must conduct a hearing no sooner than 15 days after the date of appeal, but within 60 days. If the appeal is not heard within that time-frame, and the application is not contrary to these architectural guidelines, the appeal will be approved.
- B. No work covered by an application shall be performed until any and all appeals have been heard by the Board and a decision rendered.
- C. In case of an appeal to the Board of Directors, all persons with a properly registered objection to the original application will be notified of the appeal by the Board in writing ten days prior to the Board hearing the appeal.
- D. The ARC will be notified of all appeals and outcomes of the appeal process.

VII. 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 ARC 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 ARC under old rules, are considered to be in violation of these rules and are subject to the provisions of Section VII.

VIII. Liability and Indemnification

- A. All duly appointed officers and members of the ARC 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.

IX. 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.

FOUNTAIN HILLS COMMUNITY ASSOCIATION, INC.

ARCHITECTURAL GUIDELINES AND REVIEW PROCEDURES FOR TELECOMMUNICATIONS

February 1997

WHEREAS, Article VIII, Section 8.n. of the Declaration of Covenants (Declaration) for the Fountain Hills Community Association (Association) prohibits the erection of outside antenna and satellite dishes within the community without the prior written approval of the Board of Directors; and

WHEREAS, §207 of the Telecommunications Act of 1996 (the Act) prevents the prohibition of satellite and multichannel multipoint distribution service(MMDS) dishes of less than one (1) meter in diameter and over- the-air reception devices, collectively known hereafter as "receiving devices". The Federal Communications Commission (FCC) enacted rules that permit limited restrictions as long as they do not:

- 1) Impair the reception of an acceptable signal.
- 2) Unreasonably increase the cost of installation.
- 3) Unreasonably delay the installation;

and

WHEREAS, given this statutory prohibition, the Board of Directors has determined, after consultation with legal counsel, that it is in the best interest of the community to promulgate uniform rules which balance, to the fullest extent possible, the requirements set forth in the FCC rules with the need to preserve the uniform appearance of the community; and

WHEREAS, the regulations that implement the Telecommunications Act of 1996 permit the installation of receiving devices only upon property that is owned by or under the exclusive control of the individual desiring the receiving device; and

WHEREAS, Article VIII, Section 12, of the Declaration for the Association establishes that the Board of Directors has the power to enact uniform rules from time to time which govern the use and operation of the Association,

NOW THEREFORE, BE IT RESOLVED THAT the following rules and procedures are adopted to establish the criteria and requirements for the installation of receiving devices within the Fountain Hills community:

I. Guidelines:

- A. All receiving devices shall be submitted to and approved in writing by the Architectural Review Committee (ARC) or the Board of Directors prior to installation pursuant to Article VIII of the Declaration and the ARC Review Procedures.
- B. All installations must follow all of the requirements listed below.
 1. Over-the-Air Reception Devices (antennas).
 - a. No outside antennas will be permitted. All antennas must be placed inside the dwelling unit.

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Architectural Guidelines and Review Procedures
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2. Satellite and MMDS dishes under one (1) meter in size (dishes).

- a. In addition to the ARC guidelines, all dishes must comply with all federal, state and local laws.**
- b. No dishes shall be installed in the front yards or in front of the rear building line of any dwelling unit.**
- c. All dishes must be installed in the rear of the home. Preferred locations are lower than six feet (6') from the ground or upon the rear slope of the roof.**
- d. The dish must be black or grey. No other colors will be accepted.**
- e. Wiring must be underground or must immediately enter the home. No wire may be visible anywhere on the outside of the home.**
- f. Satellite and MMDS dishes exceeding one (1) meter in diameter are strictly prohibited.**

II. Improper Installation.

- A. If the location of an installed receiving device does not meet these guidelines, the following procedures will be followed.**
 - 1. A written notice of violation will be sent to the unit owner that will include but not be limited to the following:**
 - a. Identify the present location of dish,**
 - b. Cite the reason for non-approval, and**
 - c. Specify a time period, not to exceed thirty (30) days, to correct the violation or file an appeal with the Board of Directors.**
 - 2. Failure to comply with such notice of violation will result in a hearing before the Board of Directors to determine the sanctions to be imposed (i.e. fines).**

III. Appeal Process

- A. The ARC/Board of Directors will accept appeals, on a case by case basis, if the above listed locations do not allow for an acceptable quality of signal. The appeal must be in writing and must include the following:**

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1. A written statement from a qualified installation contractor that states that an acceptable signal may only be received from the installed location and that states that an acceptable signal may not be received from a permitted location. (This should include a site plan.)
 - B. The Association, at its sole discretion, may hire an independent contractor to evaluate the installation.
- IV. Maintenance.**
- A. Each homeowner is responsible for the maintenance of the dish on their property. Maintenance shall include, but is not limited to painting, wiring and structural integrity.
- V. Existing Antennas or Dishes Which Do Not Conform To These Rules**
- A. Existing Antennas or Dishes, that are in violation of these guidelines are considered to be in violation of the rules of the Association and are subject to removal by the Board or its' agent after proper notification has been given to the violator. The cost for such removal shall be the responsibility of the violator and may be applied to their assessment account.
 1. Homeowners having such antennas or dishes may submit a written appeal in the manner set forth in paragraph III. A. Above.
- VI. Findings and Advice.**
- A. The Board of Directors has adopted the foregoing rules in a good faith effort to comply with the changes imposed by the Act and its implementing regulations, after consultation with counsel and other professionals with knowledge of the Act, and believes them to be consistent therewith. The Board of Directors intends to use good faith efforts to become aware of and respond to subsequent changes to or interpretations of such regulations.
- VII. Amendment.**
- A. This policy may be amended from time to time in accordance with the Declaration and By Laws for the Association and/or changes in or clarification of applicable laws.



FOUNTAIN HILLS COMMUNITY ASSOCIATION
APPLICATION FOR ARCHITECTURAL CHANGE



Applicant Name(s): _____ Phone: (HOME) _____ (WORK) _____

Property Address: _____
_____ Lot# _____

I. DIRECTIONS: (Please print or type)

Please use area below to briefly describe all proposed improvements, alterations or changes to your lot or home. Attach required details by sketches, drawings, clippings, pictures, catalog illustrations and other data. Show location of item on your property on a copy of the survey. Include details of color(s), measurements, materials, and any other pertinent information.

NOTICE: IN ORDER TO PROCESS YOUR APPLICATION YOU NEED TO PROVIDE THE ORIGINAL PLUS (THREE) 3 COPIES OF YOUR PAPERWORK (INCLUDING ATTACHMENTS). Architectural applications must be received at least seven (7) days prior to the Architectural Review Committee (ARC) meeting to be reviewed at that meeting. Any applications not received seven (7) days prior to the ARC meeting will be considered late and will be reviewed at the next scheduled meeting.

A SEPARATE FORM MUST BE USED FOR EACH PROPOSED CHANGE.

II. SIGNATURES:

Acknowledgment of at least four (4) property owners who are most affected because they are adjacent and/or have a view of your change is needed. Their signatures indicate an awareness of your intent and does not constitute or indicate approval or disapproval.

Name _____	Lot# _____
Address _____ Telephone: _____	
Name _____	Lot# _____
Address _____ Telephone: _____	
Name _____	Lot# _____
Address _____ Telephone: _____	
Name _____	Lot# _____
Address _____ Telephone: _____	

NOTICE: In order to process your application you need to provide the original plus 3 copies of your paperwork (including attachments).

III. OWNER'S ACKNOWLEDGMENTS: I understand...

- A. ...that there are architectural requirements covered by the Covenants and guidelines and that there is a review process as established by the Covenants and the Board of Directors.
- B. ...that no work on this request shall commence until written approval of the Architectural Review Committee has been received by me.
- C. ...that any construction or exterior alteration undertaken by me or in my behalf before approval of this application is not allowed and that, if alterations are made, I may be required to return the property to its former condition at my own expense if this application is disapproved; and that I may be required to pay all legal expenses incurred AND that any approval is contingent upon construction or alterations being completed in a proper manner.
- D. ...that members of the Architectural Review Committee, Board of Directors or their agents are permitted to make a routine inspection.
- E. ...that a copy of this application will be returned to me after review by the Architectural Review Committee.
- F. ...that the alteration authority granted by this application will be *revoked automatically* if the alterations requested have not commenced within 180 days of the approved date of this application and/or completed within 180 days after work has commenced.
- G. ...that any approval by the Covenant Committee on behalf of the Association is strictly limited to an evaluation 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 and shall not be construed to represent that alterations to land or buildings pursuant to these plans will not violate any of the provisions or building and zoning codes of the county to which the above property is subject.
- H. ...that I am solely responsible for insuring that all proposed improvements meet local building codes and that obtaining the necessary building permit(s) is my sole obligation and responsibility.
- I. ...that any approval by the Covenant Committee on behalf of the Association does not address any issue or matter governed by any governmental agency or utility company that may have review/approval authority or may control an easement directly affecting your property.
- J. ...that any variation from the original application must be resubmitted for additional approval.

OWNER/APPLICANT SIGNATURE: _____ DATE: _____

CO-OWNER/APPLICANT SIGNATURE: _____ DATE: _____

ATTACHMENTS: (1) Sketch, photo, catalog illustration, etc.
(2) Site plan or house location survey marked with change being requested.

NOTICE: IN ORDER TO PROCESS YOUR APPLICATION YOU NEED TO PROVIDE THE ORIGINAL PLUS 3 COPIES OF YOUR PAPERWORK (INCLUDING ATTACHMENTS).

FOR COMMITTEE USE ONLY:	DATE RECEIVED: _____
APPROVED (Signature): _____	DATE: _____
DISAPPROVED (Signature): _____	DATE: _____
COMMENTS (Restrictions, additional requirements, reasons for disapproval): _____ _____ _____	

Please mail **ORIGINAL PLUS THREE (3) COPIES** of your application and attachments to:
Fountain Hills Community Association
c/o The Management Group Associates, Inc.
20440 Century Boulevard, Suite 100, Germantown, MD 20874

NOTICE: In order to process your application you need to provide the original plus 3 copies of your paperwork (including attachments).