

The Villages at Tower Oaks Homeowners Association, Inc.
Design Review Guidelines and Rules
Revised May 22, 2017

Purpose

These *Design Review Guidelines and Rules* provide to Villages' homeowners information pertaining to architectural control and architectural control governance, specifically:

- the Design Review Committee and its authority for architectural control
- homeowner responsibilities for exterior architectural changes
- the types of exterior architectural maintenance and changes that do or do not require approval and the steps homeowners must follow to assure compliance
- the design review process
- design guidelines
- appearance standards
- violations and penalties

The Design Review Committee

The Design Review Committee (DRC) was established in accordance with Article 15 of *The Villages at Tower Oaks Homeowners Association, Inc. Declaration of Covenants, Conditions, Easements and Restrictions (CCRs)*.

The DRC's mission is to preserve the architectural integrity of the community's original design and appearance. It does this by:

- carrying out provisions of the CCRs
- setting and enforcing design and development standards and guidelines
- reviewing plans and specifications for architectural changes and approving or denying architectural change applications
- conducting a wide variety of activities related to the use of Villages property

The DRC encourages homeowners to maintain and improve the exterior of their homes and lots in a manner that preserves original architecture and appearance. With respect to replacements, alterations or improvements to home exteriors and lots, the DRC considers the visual impact upon neighbors, such as design aesthetics and architectural compatibility, color, material quality, scale, and location. The DRC also considers the functional impact upon neighbors, such as view, sunlight, ventilation and drainage. Any proposed improvement must not negatively impact the natural environment or community as a whole.

Homeowner Responsibilities

Homeowners must submit a completed DRC Design Change Application (attached), as specified in the Design Guidelines section beginning on page 3, and receive DRC approval for most, but not all maintenance, alterations or renovations to the outside appearance of their home or landscape,.

Homeowners in doubt regarding whether or not a DRC Design Change Application is needed should submit a completed DRC Design Change Application or consult with the property manager.

Design Review Process

1. The homeowner submits a DRC Design Change Application, as applicable (see Design Guidelines section beginning on page 3), to the DRC in care of the management company (see application for mailing address/fax number).
2. The management company records the date of receipt, conducts an initial review of the application, and, if necessary, requests additional information from the applicant.
3. Upon receipt of all necessary information, the management company forwards the application to the DRC within five (5) business days. Note that the DRC may still require additional information, as detailed in item 4c, below.
4. The DRC or the management company notifies the applicant of the final decision, as indicated below. The DRC makes every effort to quickly review and render its decision — often in just a few days — from receipt of the completed application. Note however that the CCRs provide the DRC a maximum of 90 calendar days from receipt of a completed application to review, approve, deny or request additional information.
 - a. APPROVED: The application is approved as submitted
 - b. DENIED: The application is returned to the applicant with an explanation and the applicant may then modify and resubmit; or the homeowner may appeal the DRC decision to the Villages at Tower Oaks Board of Directors. The appeal must be submitted in writing within ten (10) calendar days and sent to the board of directors via the management company. Thereafter, within fifteen (15) calendar days of receipt of the written appeal, the board of directors informs the applicant of whether or not it will hear the appeal. If the board determines it will hear the appeal, a hearing will be set as soon as practicable by the entire board
 - c. ADDITIONAL INFORMATION REQUIRED: The DRC determined that additional information is needed. The homeowner should revise/modify the application and resubmit it accordingly
5. The DRC may inspect the work while in process and/or upon completion to ensure that it is consistent with the approved application.

*A DRC Design Change Application is required for some emergencies.
See the Emergencies section on page 5.*

Design Guidelines

Design guidelines divide architectural control and exterior changes into two (2) categories:

- Category 1: homeowner may proceed
- Category 2: DRC Design Change Application and DRC approval required before any work can be started

Categories 1 and 2 cover the most common exterior replacements, installations and repairs but **are not exhaustive** of all possible exterior modifications. If a homeowner desires a home exterior change that is not identified below, the homeowner is required to submit a DRC Design Change Application.

CATEGORY 1: DRC APPLICATION NOT REQUIRED

- Plants, flowers, shrubs trimming and/or removal and/or replacement and/or installation of new. New or replaced shrubs must be appropriate for the lot and the community's landscape and when young or fully grown may not obstruct sightlines of vehicles traversing roadways
- Tree trimming and/or removal. Removal is limited only to trees measuring less than six (6) inches in diameter at two (2) feet above the ground. Removal of larger trees requires the homeowner to submit a DRC Design Change Application. See Category 2 on page 4
- Exterior light fixture repair and/or replacement consistent with original design and color
- Door hardware repair and/or replacement consistent with original design and color
- Entry door painting, repair and/or replacement consistent with original design and color
- Garage door painting and/or repair and/or replacement consistent with original design and color
- Deck support, post, board and/or railing repair and/or replacement and/or painting or staining consistent with existing
- Patio repair consistent with existing
- Fence repair consistent with original shadowbox design and color
- Gutter, down spout painting and/or repair and/or replacement consistent with original design and color
- Brick, stone, siding repair and/or replacement consistent with original design and color
- Railing painting and/or repair and/or replacement consistent with original design and color
- Trim, soffit, shutter painting and/or repair and/or replacement consistent with original design and color
- Portico, crib painting and/or repair and/or replacement consistent with original design and color
- Window glass and/or screen and/or trim repair and/or replacement; full window replacement consistent with original design and color

CATEGORY 2: DRC DESIGN CHANGE APPLICATION REQUIRED

The following exterior maintenance and improvement projects require the homeowner to submit a DRC Design Change Application, including **complete plans and specifications**. The project may not start prior to receipt of the DRC's affirmative decision.

- **Roofs** – repair, replacement
 - replacements must match original color and style. **The name of the shingle manufacturer and shingle color, and a sample shingle or high-resolution image or web address of the proposed shingle style and color must accompany the DRC Design Change Application.** Note: the DRC has previously approved CertainTeed Landmark roof shingles in Moire Black, and Tamko Heritage 30-year shingles in Rustic Black; the DRC strongly encourages homeowners to replace original shingles with architectural-style shingles
 - repairs, such as replacement of a few shingles, must match original color and design. **The name of the shingle manufacturer and shingle color, and a sample shingle or high-resolution image or web address of the proposed shingle style and color must accompany the DRC Design Change Application**
- **Driveways, entry steps** – repair, replacement, sealing or painting
 - sealing or painting or replacement in full or part of concrete driveways, entry steps **requires the completed DRC Design Change Application to specify the proposed sealer or paint color or concrete color and include a color swatch/sample**
 - concrete style and color must match original
- **Garage doors** – repair and/or replacement
 - if **inconsistent** with original style and color
- **Porticos** – new, structural change and/or removal
 - removal requires homeowner to install a decorative entry surround, the specifics of which must be noted in the DRC Design Change Application
- **Decks, deck railings, deck lattices, patios** – new, modification, removal, structural changes
 - must not cause drainage problems to the home and lot, neighbor(s) home or lot, or common area
 - acceptable decking and lattice materials are:
 - artificial wood or composite, such as Trex
 - weather-resistant wood such as cedar, redwood, teak and pressure-treated pine
 - lattice may not exceed six (6) feet in height
 - acceptable patio materials are:
 - stone
 - brick
 - concrete
 - other hardscape material
- **Fences** – new, replacement, modification, removal or structural changes
 - must preserve the original shadowbox design
 - fence height must be six (6) feet
 - acceptable materials are natural wood, or artificial wood or composite materials such as Trex that simulate natural wood and preserve the original color
 - privacy fences may not be removed, however, they may be modified as outlined above

- **Trees** – new, replacement, removal
 - new or replaced trees must be appropriate for the lot and the community’s landscape and when young or fully grown may not obstruct sightlines of vehicles traversing roadways
 - removal of any hardwood tree measuring in excess of six (6) inches in diameter at two (2) feet above the ground
- **Windows** – replacement
 - if **inconsistent** with original style and color
- **Paint** – color change
 - must be consistent with community color scheme
 - **requires the completed DRC Design Change Application to specify the proposed paint color and include a color swatch/sample**
- Addition, modification or removal of permanent fixtures such as children’s play equipment, hot tubs, water fountains, barbeque pits, etc. for which access is uncontrolled
- Exterior light fixture replacement **inconsistent** with original fixtures
- Door hardware repair/replacement **inconsistent** with original design and color
- Gutter and downspout repair/replacement **inconsistent** with original design and color
- Brick, stone or siding repair/replacement **inconsistent** with original design and color
- Railing repair/replacement **inconsistent** with original design and color
- Trim, molding repair/replacement **inconsistent** with original design and color
- Any exterior or landscape replacement, modification or removal that is not identified above

The maintenance/improvement(s) must begin no later than one year (365 days) from the date of the DRC’s written approval, and must complete no later than sixty (60) days from initiation.

Emergencies

In an emergency, a homeowner may take action as needed for Category 2 items or any other item(s) for which the homeowner is in doubt necessitate a DRC Design Change Application, within the framework of and in conformance with the intent of these guidelines. For example, in the case of a sudden, major roof leak and the immediate need to replace all or part of the roof, the homeowner is expected to select shingles consistent with these guidelines. Immediately after the emergency situation is addressed, and because roof repairs or replacements fall under Category 2, the homeowner is required to submit a DRC Design Change Application. Similarly, in cases where the homeowner is uncertain, the homeowner should submit a DRC Design Change Application immediately following resolution of the emergency.

Appearance Standards

- Homeowners must maintain their home and property as defined by the Villages’ CCRs, other governing documents, and rules and regulations.
- Homes must be free from **items such as, but not limited to** rotting garage doors/panels, porticos in disrepair, loose railings, broken or missing bricks/mortar, crumbling/pockmarked driveways, decaying brick walls, soiled concrete/bricks/walls, overgrown/dying/dead shrubs, etc., and/or any other finding that the DRC deems

- detrimental to property values and aesthetics, or unsanitary or unsafe.
- Storm doors at front entrances are prohibited.
- Trash and recycle materials should be placed outside on the morning of pickup. Alternatively, trash may be placed outside **no earlier than 6:00 p.m.** the night before pickup. Bins must be promptly removed from public view following pick up. Residents unable to comply might ask neighbors or friends to take out/retrieve bins, or wait for the next pick up. To prevent unsightly litter, **recyclables must be secured** to prevent them from being displaced by wind or animals.
- Properties must be free of debris with no signs or stickers on garage doors and lots, except for home security and address.
- Political signs may be posted no earlier than thirty (30) calendar days before a primary election, general election, or proposition vote, and must be removed no later than seven (7) calendar days following.
- Affixing notices or signs in common areas, including, but not limited to cluster mailboxes, post signs, lamp posts, etc. is prohibited.
- Seasonal decorations may be displayed no earlier than thirty (30) calendar days prior to the holiday/event and no later than twenty (20) calendar days thereafter.
- Pet owners must keep their pets under control at all times (either by leash or within backyard fences). Pets are not permitted upon the Villages general common areas and facilities unless accompanied by a person and unless they are carried or leashed. Feces must be picked up immediately and properly disposed of. Since pet urine kills grass, pets must urinate only on their owner's property or in areas where dead yellow grass is not unsightly (e.g., a wooded area).
- Lawn furniture, barbeque equipment, toys, bikes, etc., if kept in good repair, may be stored within the rear area and not the front or side yards. Swimming pools and trampolines are prohibited.

Violation Enforcement and Penalties

A fine or fines, in accordance with the association's *Procedures for Processing Cases of Alleged Violations of the Governing Documents*, located at <http://www.toweroaksvillage.com/docs/Violations.pdf>, may be levied for violation of these *Design Guidelines and Rules* and the appearance standards stated within, including, but not limited to:

- homeowner failure to submit a complete DRC Design Change Application, as required, and to receive DRC approval, as required
- failure to begin and complete the project in the one year (365)/sixty (60)-day period
- any other violation of provisions of the CCRs and other Villages at Tower Oaks Homeowners Association rules and regulations under the DRC's purview

The Villages at Tower Oaks Board of Directors approved these revised DRC Guidelines and Rules on May 22, 2017.

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Directors of The Villages at Tower Oaks Homeowners Association, Inc., held on May 22, 2017.

Motion by: Renata Greenspan

Seconded by: Pete Lyppe

OFFICER	YES	NO	ABSTAIN	ABSENT
<u>Dennis Canine</u> Dennis Canine	X	_____	_____	_____
<u>Renata Greenspan</u> Renata Greenspan	X	_____	_____	_____
<u>Roger Heymann</u> Roger Heymann	X	_____	_____	_____
_____	_____	_____	_____	X
Faye Coggins	_____	_____	_____	_____
_____	_____	_____	_____	X
Jennifer Drennan	_____	_____	_____	_____
<u>Ruth Kramer</u> Ruth Kramer	X	_____	_____	_____
<u>Peter Lyppe</u> Peter Lyppe	X	_____	_____	_____

The Board of Directors of the Villages at Tower Oaks Homeowners Association adopted and approved this resolution on this 22nd day of May, 2017.

– This page intentionally left blank –

VILLAGES AT Tower Oaks

The Villages at Tower Oaks Homeowners Association, Inc.
Design Review Committee
Design Update / Change Application

A homeowner planning to update or change the exterior appearance of their home or landscape may be required to complete and submit this application to the Design Review Committee (DRC). Please consult the Design Review Guidelines and Rules (<https://toweroaksvillage.com/docs/DRC.pdf>) for details for when an application is necessary.

If in doubt, the homeowner must submit an application. The design change requested must comply with all DRC Guidelines and Rules, and City of Rockville permit and inspection requirements (<https://www.rockvillemd.gov/2180/Permits-Inspections-Division>).

Name: _____

Address: _____

Contact: Home phone: _____ Work phone: _____
Cell phone: _____ E-mail: _____

Project: _____

Start Date: _____ Completion Date: _____

Description: Describe all proposed improvements, alterations, or additions to your home or lot. Attach details (e.g., Specifications, sketches, drawings, clippings, pictures, colors, and other data). Also show the location of the project on your property via a basic drawing or on copy of lot plat. Attach additional sheets, as necessary.

Homeowner's Acknowledgements:

- Nothing in the design request represents alterations that would violate any of the provisions of the building and zoning codes of the city, county or state.
- Homeowner will obtain all required jurisdictional repair, modification or construction permits.
- Commencement
 - of any part of the requested alteration prior to receipt of the DRC's written approval is prohibited.
 - of the alteration must begin no later than one-year (365 days) from the date of the DRC's written approval and must complete no later than sixty (60) days from initiation.
 - the DRC may fine the homeowner for non-compliance; may require the homeowner to return the property to its former condition at the homeowner's expense; and may seek legal remedy, expenses for which homeowner may be liable.
- DRC members, their designees and/or the property management company are permitted to conduct routine inspections.
- Any variation from the original application must be resubmitted for approval.

Homeowner's signature: _____ Date: _____

Co-Homeowners signature: _____ Date: _____

Reminder: Attachments (e.g., photos, drawings, illustrations, pictures, surveys, etc.) must be attached or enclosed with this application to expedite the review process.

Email the completed application and attachments in PDF format to VillagesAtTowerOaks@gmail.com or mail hard copies to:

The Villages at Tower Oaks Design Review Committee
c/o Comsource
3414 Morningwood Drive Olney, MD 20832
Send by FAX to 301.924.7340

If you have questions, email the DRC at VillagesAtTowerOaks@gmail.com or call The Villages at Tower Oaks Property Manager at (301) 924-7355.

Please consider the impact of your project upon neighbors and inform them of your plans, noise, or disruption to expect as your project is underway.

The DRC may require applicant(s) to obtain written approval of neighbor(s) for the proposed project.