

MONTPELIER HILLS HOMEOWNERS ASSOCIATION

Architectural Control

**Policies
Regulations
Standards
Procedures**

Revised July 2001

**Montpelier Hills Homeowners Association
P.O. Box 3353
Laurel, Maryland 20709**

**Architectural Control
Policies, Regulations, Standards, and Procedures**

Dear Montpelier Hills Homeowners,

The Board Directors of the Montpelier Hills Homeowners Association are pleased to present regulations to assist you in applying for exterior alteration. The regulations are the result of much deliberations and exploration of the ideals and standards estimated by the homeowners of Montpelier Hills. It is hoped that this effort will result in an equitable and consistent handling of applications for exterior alteration as well as answering some of your questions as to how the Architectural Control Committee (ACC) operates and on what basis its decisions are made.

While clarifying and bringing greater detail to the Montpelier Hills Homeowners Association Documents, the regulations are not intended to replace the Documents. Rather, they should be considered companion texts, requiring a thorough understanding of both by every homeowner.

The overall goal of these regulations is to keep our community an attractive and desirable place in which to live, and it is hoped that their use will provide each resident with a practical means of doing so.

Sincerely,

Montpelier Hills Homeowners Association
Board of Directors

WHAT IS THE HOMEOWNERS DOCUMENT?

First of all, it is one of the many documents you (or your landlord) received at the time of the settlement on your property. It is our hope that you took the time to read and understand them. If not, portions of the document are summarized later in this publication.

More importantly, the document is a binding legal obligation between the developer of Montpelier Hills and all of its residents. There are similar covenants, or contracts, for many of the other developments in our larger community. Our document assures the homeowners of certain minimum standards for the land use, architectural design and property maintenance.

The document “runs with the land” as part of your deed of ownership, and cannot, as a practical matter, be changed by/for an individual homeowner. When the development period of Montpelier Hills is completed, the document becomes a contract between the Montpelier Hills Homeowners Association, as represented by its elected Board of Directors, and the residents. **It is also a contract between each resident and every other resident.** Thus, when dealing with the document and the architectural control process, you will be dealing not with the developer, but with your friends and neighbors. It is our intent and duty to help you in every way to obtain the fullest enjoyment of your private property and the commonly owned property consistent with your obligations to the other residents.

WHY DO WE HAVE ARCHITECTURAL CONTROLS?

Many people who have lived in developments without architectural controls have seen or have experienced a well cared for, well decorated home next to one which has been allowed to deteriorate, or has a lawn strewn with junk. These are, of course, extreme circumstances, but no one wants to live near nor have to view an eyesore. In addition, the overall appearance of the community markedly affects its property values. The architectural controls in the document are designed to prevent excesses and abuses, while affording flexibility in property utilization.

HOW ARE MY PLANS APPROVED?

When you contemplate exterior alterations or certain landscaping changes on your property, you should first consult the regulations contained in the document and in this booklet. They will help you in finalizing your plans, and will tell you whether a formal application is required. If in doubt, consult the ACC.

After you have studied the regulations, complete, and submit your application, using the **special form** attached to the regulations. Supporting documents should include a **property site plan drawing** indicating the location of the desired addition, a complete and detailed description of the addition and a picture or drawing of their proposed addition. Be sure that your application is complete and clear, and that it has your signature.

Submit your application early, allowing at least four weeks for its processing. During this time you may obtain any necessary building permits or variances required by the county government. **NOTE: These regulations do not preclude obtaining proper permits and clearances from the necessary agencies. Approval of a project by the ACC does not relieve you of the need to obtain approval or permits from various jurisdictions, or vice versa.**

When your application is submitted, it will be dated and assigned to the ACC for follow-up. It will then be assigned a log number and scheduled for review at the monthly ACC meeting.

Prior to the review meeting, you may be contacted by an ACC member to discuss your application and, if necessary, to make suggestions for modifying your plans. It is to your advantage to give your full cooperation to the ACC volunteer, for it is he who will present your application to the committee and make recommendations for approval, approval with stipulations, or disapproval.

At the ACC meeting, your application will be presented by the members who reviewed it. When the discussion has ended, the ACC will vote to approve or disapprove your application, or to approve it to subject to certain provisions or stipulations. The project must begin within six months and be completed within twelve months of approval.

Upon completion of the construction or alteration, you may request that the ACC issue a Certificate of Compliance which will be legal evidence that your improvement was approved by the ACC and is in full compliance with the regulations and the document. To do so will require that an ACC member inspect the improvement. Although it is preferable that this is done in your presence, it is not necessary for issuance of the certificate.

If you, the applicant, desire to appeal an unfavorable action, an appeal may be initiated by giving written notice to the Montpelier Hills Homeowners Association (MHHA).

The Board of Directors as a whole will arrange to hear the appeal. Their decision is final. Applications which are disapproved may be resubmitted **with changes** to the Architectural Control Committee.

While the process described above seems complex and rigid, it works because of the interest and cooperation of our residents and those who work on the ACC. At every step, efforts are made to reach compromises where necessary to insure speedy and satisfactory approval of your application.

NOTE: Approvals of the ACC/MHHA may also be subject to local covenants or restrictions and additional requirements of Prince George's County. In most cases, the more restrictive criteria shall apply. Therefore, it is the homeowner's responsibility to insure compliance with all applicable restrictions.

HOW DO I PROTEST MY NEIGHBOR'S APPLICATION?

If you are opposed to the project being proposed, please discuss your concerns with your neighbor. Frequently these disputes may be resolved quite amicably. If this, however, is impossible, contact the ACC either by phone or in writing and indicate the reason for your opposition. You also have the right to present the testimony and evidence at the ACC meeting.

WHAT IF I DO NOT WAIT FOR APPROVAL?

If you start alterations without first obtaining approval of your plans, **you do so at your own risk!** If you fail to submit an application, or if your application is turned down or modified, you may face the cost of removing the alteration plus the cost of any fines and/or litigation. The document provides a means by which these costs may be placed as a lien against your property. These circumstances may also arise if your property has been altered without approval before you purchased it. Inquiries regarding the status of an alteration should be directed to the ACC.

WHAT IS THE PROCESS FOR DOCUMENT/REGULATION ENFORCEMENT?

Enforcement of the document and regulations is the job of every homeowner and resident, but the routines are carried out by the ACC. When architectural complaints are brought to the attention of the ACC, they are kept confidential and they are investigated as promptly as possible.

If a complaint is found to be a violation, the Rules Enforcement Procedure would be initiated. See Appendix A..

HOW CLOSELY MUST I ADHERE TO THESE GUIDELINES?

The document authorizes the ACC to set regulations and procedures for architectural control. The regulations presented herein have been written by the ACC as part of that responsibility.

It is impossible to write the regulations necessary to cover all exterior changes. **When a regulation is not available for the project you are proposing, a complete application is needed.** Emphasis should be placed upon proper scale, materials, color, and impact upon neighboring properties. Applications should include sufficiently detailed information to permit understanding and evaluation of your proposal.

Based upon the policies and previous decisions of the committee, the regulations will tell you what is most likely to be approved in typical circumstances, and also give you important information on how to prepare your application. Special circumstances regarding your property may allow the approval of an application which might be denied at another location, or the denial of one that might be approved elsewhere. **The fact that your plan has been approved for use at another location does not mean that it is automatically approved for you.**

REGULATION #1:
ANTENNAS

See Appendix B.

REGULATION #2:
AWNINGS

Awnings are prohibited.

REGULATION #3:
WINDOWS AND DOORS

1. Front doors styles must match the six panel, colonial style originally installed by the developer. The top two panels in the front doors on the homes at 9300 through 9322 (even) Ispahan Loop may be glass as originally installed by the developer. An application is required to change the color of the front door, but no application is required to install a new door that matches the existing style and color.
2. All screen/storm windows and door alterations/additions require an application.
3. Screen/storm windows and doors will generally be approved if the style chosen matches that of the house and the color matches that of the house, trim, or front door.
4. Screen/storm doors on the front or main entrance of a town house are to be of a straight-forward full view design (with or without kick-plate). Any decorative embellishments require specific prior approval. Storm/screen doors on other than the front door may be of other designs, but still require approval.

REGULATION #4:
DECKS

1. A completed application is required for all decks. Applications should include a descriptive drawing showing dimensions, height above grade, details of railings and stairs, and a site plan of the entire property.
2. Decks should be constructed with durable materials. All visible portions should be yellow pine, pressure-treated wood. The wood shall be left natural or may be stained with Olympic's color #705 (Russet) stain. The design should be comparable with other decks of nearby residents.
3. The length of the deck shall be approved on a case-by case basis consistent with the maintenance of the overall architectural integrity of the development as determined by the ACC.
4. A railing is required on all decks elevated at least 12" above grade.
5. A deck can have a width which brings neither edge of the deck closer than 6" to either edge of the house. The exception occurs when the house is an end unit. In this event, the deck may meet, but not exceed the exact rear of the house on the unattached end.

6. Deck awnings, pergolas enclosures, and other constructed coverings will not be permitted.
7. Ground level decks must be approved by the ACC unless located behind a fence. The fence height shall be seventy-two (72) inches.
8. Deck privacy screens should not extend more than 8 feet from the rear of the house and may not exceed 72" in height. Approval will be handled on a case by case basis.

REGULATION #5:

GROUND LEVEL PATIOS

1. A complete application is required for all patios.
2. Front yard patios are prohibited. No patios will be constructed on street side yards.
3. Materials shall be approved by the ACC prior to construction.
4. The length and width of the patio shall follow the same restrictions as outlined above in Regulation #4 for decks.
5. Lot owner must be responsible to allow for proper water runoff drainage.

REGULATION #6

FENCES AND PARTITIONS

1. A complete application is required for all fences and partitions.
2. Front yard fences and partitions are prohibited. No fences will be constructed on street side yards.
3. Fences and partitions shall match existing similar structures within the community of Montpelier Hills.
4. Gates should match the fence in material, style, color, and height.
5. The height of any fence or partition shall be 72 inches. This requirement could possibly vary 1 to 2 inches due to the lot's elevation.
6. When the fence or partition is constructed perpendicular to the house and is situated along the property line, it shall be considered a party wall and is subject to restriction noted in the document. A co-application with the neighbor sharing the party wall is required prior to approval by the ACC. Otherwise, the width of the fence or partition must not exceed six (6) inches from the rear of the house on each side (the lateral, side property lines). Each party will be responsible for their side of the fence.
7. When the house is an end unit, the fence may be extended along the unattached side, toward the front of the house, but may not be extended further than 1/2 the length of the house. Again, this rule applies to non-street-side yards only.
8. Fences must be constructed of Southern Yellow Pine, pressure treated lumber and left natural or stained Olympic #705 (Russet).

REGULATION #7:

VEHICLES AND TRAILERS

Major vehicle renovation or repair may NOT be undertaken except in enclosed garages. Boats, boat trailers, campers, trucks, recreation vehicles, other type trailers, inoperable vehicles,

vehicles without current registration or other unauthorized vehicles may not be parked within the community. Any of the above mentioned vehicles will be removed at the owner's expense!

The following vehicles are permitted to park within the parking lots of the Montpelier Homeowners Association: properly licensed and operative personal transportation styled vehicles with a carrying capacity of one ton or less, used for essential family transportation and must not have tires exceeding the standard size for vehicles' weight and class. There shall be no accumulation of materials, equipment, debris, or other unsightly items displayed in an uncovered vehicle.

Those vehicles one ton or less and that are personal transportation styled vehicles (family vans, pickups, station wagons, etc.) that contain commercial writing on them may park within the community.

No step vans, delivery vans, or vehicles openly displaying tools of a trade (ladders, paint, sheet metal, wood, and similar items) are allowed within the community.

REGULATION #8:

CHIMNEYS, SMOKESTACKS AND VENT CAPS

1. All exterior chimney installations shall be in harmony with the applicant's house and surrounding houses. A complete application is required for all chimney installations.
2. Exterior vent caps for bathroom vents or dryer vents may be replaced without prior approval. Variations that include mechanisms to keep birds from nesting in the pipes are encouraged, however, be careful not to trap lint in dryer vents.

REGULATION #9:

DRIVEWAYS

1. Driveways will be replaced with the same type of material used in the existing driveway. If this is done, architectural control is not necessary.
2. A complete application is required in all other cases.

REGULATION #10:

GUTTERS AND DOWNSPOUTS

An application is not required for replacement gutters and downspouts provided they are the same color as when the house was purchased or match the color of the house or trim. A completed application must be submitted for all other gutters and downspouts.

REGULATION # 11:

FAN/AIR CONDITIONING SOURCES

1. Window air conditioning units are prohibited.
2. Window fans are restricted to the rear windows of the house

REGULATION #12:
HOT TUBS, WHIRLPOOLS, AND WATER FEATURES

1. A completed application is required for all hot tubs, whirlpools, and water features. They shall be located at ground level to the rear of the residence in a fenced-in yard. They shall not protrude above the adjacent fence level and shall be made of a material that will blend with surrounding structures. The application shall include a site plan showing the location of the tub, whirlpool, or water feature, and its relationship to existing structures, drainage, and property lines.
2. Adequate drainage for the facility will be carefully evaluated for site selection approval. Lot owner is responsible that the facility will not create neighboring drainage problems.

REGULATION #13:
LIGHTING

1. General
 - A. The replacement of an existing light fixture, if accomplished with a reasonable match of the old fixture, does not require an application.
 - B. If a change in style, shape, size, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, a complete application is required.
 - C. Permanent exterior lighting and wiring requires a complete application. All exterior lighting should be installed so as not to shine upon adjacent property nor public space.
2. Temporary
Decorative holiday and festival lighting does not require approval; however, holiday lighting shall not be operative prior to the 26th of November in any year, not later than the following 7th of January, and totally removed by January 22nd.

REGULATION # 14:
MAINTENANCE

1. The MHHA document specifically refers to the maintenance of one's property.
2. "Homeowner's maintenance obligations..." will generally be summarized to require taking reasonable efforts and measures to care for all exterior portions of the dwellings and other improvements so that they in no way detract from the appearance of the neighborhood. It refers to the appearance of the lot in general, including but not limited to, lawn, trees, shrubs, buildings and/or improvements.
3. Each owner shall at all times keep their lot and the exterior of all structures thereon in good condition and repair and adequately painted or otherwise finished.

REGULATION #15:
COMMON AREA

The MHHA does not allow unauthorized use of common area for gardens, play equipment, pets, tree removal, motorized vehicles, etc. Proposed changes of common area use must go through

the Board of Directors before being considered by the Homeowner's Association.

In rare instances where it is felt that the community would benefit by improving common area (i.e. obscuring guard rails, transformer boxes, etc. with evergreen material), a special Common Area Improvement application form may be obtained from the MHHA Board in order for the plan to be given consideration. The application would be submitted to the Board of Directors and a special hearing would be scheduled before the Board. Prior to ruling on the application, the Board would hear from the applicant, a Grounds and/or ACC committee representative, landscape contractor, managing agent, or any other affected parties the Board may choose to invite.

If approved, the improvement would become the property of the association, but must be meticulously maintained by the homeowner at all times. In addition, prior to the homeowner selling, renting, or vacating his home, the owner would, at his own expense, restore the area to its original state. A sworn affidavit signed by the owner wherein the owner agrees to abide by these and other specific instructions would be prepared by the Board or its managing agent prior to approval of any improvement.

Should the Board receive confirmed reports that the improvement has become a nuisance, is not being maintained, or has created any other problem for the Board, the Board may instruct the owner (at his expense) to immediately remove all improvements and restore area to its original state. The restoration must be performed to the Board's complete satisfaction and approved by them. If removal and restoration have not been completed by the deadline mentioned in the written notification, the Board shall complete the job and bill the owner for any and all expenses incurred. Any items remaining in the area at the time may be removed or disposed of by the Board.

REGULATION #16:

PAINTING

1. A complete application is required when any structure or trim is to be painted a color different from its existing color. The new paint is considered to be different if the color itself changes (for example, yellow instead of beige) or if, while the color remains the same, it is lighter or darker than the original. An application is not required when the new paint is the same in both of these respects.
2. If trim, doors, or other exterior accessories are to be painted with no change in color, an application is not required. Applications are required for all other cases. Residents are discouraged from adding colors when two (2) or more colors (e.g. door, trim, or main house color, etc.) already exist.

REGULATION #17:

RE-ROOFING, RE-SIDING, RESTYLING OF STRUCTURES

1. It is the owner's responsibility to ascertain whether the proposed building material meets the proper jurisdiction's building and fire codes.

2. A complete application is required if the proposed re-roofing or re-siding material differs in color or texture from existing roof or siding on the structure or if it results in changing the architectural style.
3. The style of existing trim-work at soffits, corners, windows, doors, and of accent panels, shutters, or other stylistic features should be retained in the re-siding design. This will be considered an improvement required where these elements contribute to the visual continuity of the neighborhood by evoking similarities in style among nearby houses.
4. Applications should include details of the proposed change, a siding sample, and a description of proposed treatment of any out-buildings, such as sheds. Re-siding or repainting of such structures may be required.

REGULATION #18:
TRASH/MISCELLANEOUS ITEMS

1. Trash or recycling containers may not be placed outside before 6:00p.m. the night prior to pick-up. Refuse containers must be collected the same day of the pick-up and located out of sight either indoors or behind approved fences or partitions. Containers left in front of the house for more than one day will be collected and discarded. Trash from bags that are ripped open by animals, vandals, etc. shall be picked-up by the owner the day of pick-up.
2. Ladders, tools, bicycles, toys, and other miscellaneous items shall be stored nightly (between 10p.m. and sunrise) either indoors or located out of sight behind approved fences or partitions.
3. Signs including realty signs shall not be permitted on general common areas. No realty signs shall be attached to a unit. Signs, including realty, shall not exceed 2' x 3'. All signs must not remain on individual lots longer than 30 days after sale of units.

REGULATION #19:
WOODPILES

An application is not required if the woodpile is not readily visible from the street or neighbor's view. It is recommended that the wood be stacked next to an existing structure, off the ground, and separated by several inches from the structure to discourage termites and rodents.

REGULATION #20:
CLOTHESLINE

No clothing or other household fabrics shall be hung in the open on any lot unless the same are hung from an umbrella or retractable clothes hanging device. Such devices must be located to the rear of the house and removed from view when the clothes are dry. Additionally, devices may not be in place on Sundays and holidays and only during daylight hours.

REGULATION # 21:

TOOL/STORAGE SHEDS

1. A complete application is required for all tool/storage sheds.
2. Applications should include the following information:
 - A. Site plan which shows the relationship of the shed to the adjacent house and property lines.
 - B. Picture and/or detailed drawing of the shed including all dimensions length, width and height at peak.
 - C. Description of materials to be used.
 - D. Color of shed and house.
3. Sheds should be located as close to the house as possible, preferably attached to the house. However, if more desirable location, such as the back of the lot or attached to a fence is require, the ACC will give it every consideration.
4. Roofing, siding, and trim materials should be of the same type and color as the house or the fence or other earthtone colors as approved by the ACC. Lustrous and metallic surfaces are not acceptable. **
5. Prefabricated, store-purchased plastic ("resin") sheds made for outdoor use are permitted if approved by the ACC. **
6. Sheds with barn-like roofs will not be approved.
7. Approval is contingent upon the resident's commitment to build a sturdy, permanent structure.

**Approved 1/19/99

REGULATION #22:

SECURITY GATES AND DEVICES

1. An application is required for all exterior mounted security devices. The applications should include the following:
 - A. Site plan showing locations and elevations above grade of all additional security devices.
 - B. A complete description of material and style, preferably with a catalogue sheet from the supplier.
2. Security gates are permitted at rear grade doors only. Colors should match exterior colors of the house or trim, or should be approved by the ACC. All security bars for windows, with the exception of rear ground level windows, should be mounted on the interior of the home. Bars for rear ground level windows will be handled on a case-by-case basis.

REGULATION #23:

LANDSCAPING

1. At minimum, the amount of landscaping comparable to that provided by the developer should be maintained .
2. A complete application is required for, but not limited to the following instances:
 - A. Any plantings used as a hedge, windbreak, or for screening purposes. These items will be considered on a case-by-case basis.

- B. Landscaping which involves changing the grade of slope or installation of retaining walls or structures.
- 3. An application is not required for the following:
 - A. Individual shrubs (unless hedge) foundation plants, small annuals or perennials, ground covers or single trees which, at maturity, will be in scale with house.
 - B. Border or planting beds.
- 4. Lawns must be maintained at a maximum height of 3" and be neatly trimmed around plantings, beds, trees, and walks.
- 5. All planting beds must be mulched and kept weed free.
- 6. All lawn ornaments are prohibited, unless behind the residence in an enclosed approved area.
- 7. Plants and trees in poor condition or dead are to be removed and replaced if necessary.
- 8. Bushes and shrubs are to be trimmed appropriately so they will not exceed a size suitable for the town house and will not intrude on a neighboring lot.
- 9. Vegetable and/or fruit gardens shall be permitted within the fenced boundaries of a homeowner's yard or on a side not visible from the street. If the garden is not inside a fence it must be on the homeowner's lot, be less than 50 square feet in area, and be well maintained.

REGULATION #24:
HOMEOWNER'S SNOW REMOVAL

It shall be the responsibility of each homeowner to clear all walkways bordering and leading onto his/her property of snow and ice within 24 hours of snowfall/ice development.

REGULATION # 25:
PET GUIDELINES

No pet owner/custodian shall allow that animal to run at large without a leash and/or become a public nuisance. Excessive barking, whining or howling, molesting passerby, chasing vehicles, attacking other domestic animals, depositing excretory matter on private property other than that of the owner and/or damaging property shall be considered a nuisance under these regulations. All pet owners/custodians are required to immediately scoop and properly dispose of any feces left by their animal. Failure to clean-up after a pet, shall be a violation of these regulations and shall be subject to the standard enforcement procedure.

ENFORCEMENT PROCEDURES

All these policies, regulations, standards, and procedures will be enforced through the association's Rules Enforcement Procedures and/or the State and Local laws.