

# ARCHITECTURAL GUIDELINES

As amended, October 25, 2001

The Architectural Review Committee of the DuFief Homes Association (the "Committee") is charged with the duty of preserving the architectural harmony of the community. Article V, "Architectural Control", and Article VI, "Protective Covenants and Restrictions," of the DuFief Homes Association's Declaration of Covenants, Conditions and Restrictions (the "Covenants") define the general nature of the Committee's responsibility and authority while allowing it broad latitude and discretion in dealing with specific situations and requests.

The accompanying guidelines (the "Guidelines") have been adopted by the Committee to assist homeowners in submitting their proposals for consideration. These Guidelines may be modified or changed whenever sufficient evidence is presented to the Committee to warrant a re-evaluation of its position, or whenever experience gained in dealing with specific requests demonstrates the necessity of reconsidering a previously established position. Appropriate means will be taken to notify all homeowners in the event of any modification or change in these Guidelines.

## I. GENERAL REQUIREMENTS

### A. Background Information

1. The Committee has the authority to approve or disapprove all changes governed by Article V and Article VI of the Covenants.
2. The Committee will consider only written requests submitted on an approved application form.
3. Even if the proposed change(s) and the application conform to these Guidelines, in order to conform with the Covenants, each change must be specifically approved in writing by the Committee, provided that if the Committee fails to approve or disapprove a complete and accurate application, which contains all information required by the Covenants and these Guidelines, within thirty (30) days after receipt thereof, approval will not be required.
4. The Committee is required by the Covenants to refuse permission for a proposal which would or could, if constructed, have a detrimental effect on the harmony of the neighboring properties or the community as a whole.
5. The Committee will consider complaints from homeowners of alleged violations of the Covenants. If the Committee determines that an actual violation has occurred, it will make a reasonable effort to have the violation corrected. The Board of Directors may elect to pursue an unresolved violation with the Montgomery County Office of Common Ownership Communities. As a last resort, the Board of Directors may refer the matter to the Association's attorney.
6. All decisions of the Committee may be appealed to the Board of Directors. In accordance with Montgomery County Code Section 10B-9(d), all decisions of the Committee or the Board of Directors may be appealed by the homeowner to the Montgomery County Office of Common Ownership Communities.

### B. Application Procedure

1. An application is required when any structure or addition to a structure on any lot is to be erected, placed or altered, including without limitation, making modifications/additions to the exterior of a house (e.g. room additions, sky lights, fence, new roof, shed, pool, boat/trailer/camper storage, storm windows/doors, gutters and spouts, staining/painting). The planting and maintenance of trees, shrubs, plants, and other vegetation do not require the Committee's approval.
2. An applicant shall appraise the adjacent property owners of his/her plans prior to filing the application. The Committee may consider their opinions in making their decision.
3. The application may be obtained from and submitted to any member of the DuFief Homes Association Architectural Review Committee
4. The description of the project shall be brief but specific, containing in addition to the general nature of the work, all information necessary for the Committee to make a determination. Necessary data shall include the height, length, width, size, shape, materials, color, and location of the proposed project. Photographs or contractors sketches of similar completed projects/proposals would aid the Committee's consideration.
5. For exterior construction projects, including, but not limited to, fences, screens, retaining walls, driveway additions, porches, decks, stairs, swimming pools, and house additions, the location of the project on the site survey is required. Applications for this type of project must include a copy of the house survey or a similar drawing indicating the extent of the proposed project, distance to property lines and approximate location of neighboring houses.
6. For additions or modifications to existing houses and detached structures, the Committee requires that scaled, dimensional drawings of exterior elevations and a site plan as described in paragraph 4 above accompany the application. Specifications for all materials, finishes, and colors shall be indicated on the drawings.
7. As required by the Covenants, the Committee will approve or disapprove an application in writing as promptly as possible, but in no event later thirty (30) days after receipt of a complete application which complies with the Covenants and these Guidelines. To the extent the Committee believes that, because of extenuating circumstances, they need additional time for research and review, the Committee will notify the homeowner that the application has been denied pending the receipt, review and approval of additional information or the additional time needed to review the application.
8. If an application is rejected, the applicant may request that the Committee reconsider its position based on new or additional information which might clarify the request or demonstrate its acceptability.

### C. County Building Codes and Permits

1. Meeting the requirements of the Guidelines and/or the written approval of the Committee does not relieve the applicant of the responsibility to comply with all applicable codes.
2. Approval of any project by the Committee does not waive the applicant's responsibility for obtaining the required County building permits.
3. Obtaining a County building or work permit does not relieve the applicant of the responsibility of obtaining the approval of the Committee.

### D. Miscellaneous Requirements

1. All projects shall be executed in a timely and workmanlike manner.

2. The storage of materials prior to and during construction must be in areas not visible from the street or in locations approved by the ARC.
3. Committee approval includes the right to inspect the completed project to assure the execution of the approved plan.
4. All projects shall be completed within the time limits specified in the approved application.

## II. GUIDELINES FOR SPECIFIC PROJECTS

### A. Building Alterations and Additions and Detached Structures

#### 1. General

- a) Any addition to an existing building, any exterior alteration, modification or change to an existing building, or any new detached structure must be approved by the Committee before any work is undertaken. Examples of such projects shall include but not be limited to porches, decks, garages, greenhouses, and sheds.
- b) Any addition, exterior alteration, modification or change to an existing building shall be compatible with the parent structure.
- c) It is suggested that an individual contemplating such a project consult with the Committee during the preliminary planning stages.

#### 2. Exterior Staining or Painting

- a) All exterior staining or painting projects are to be submitted for Committee review and approval even if the homeowner intends to duplicate the original or existing color so that the Committee can be assured that the homeowner is using a color that is suitable for the community.
- b) Earth tones for the main portion of the exterior of a home are encouraged to maintain the architectural harmony of the community. Lighter colors should only be used for accent panels or doors. The color "white" will not be approved for use within the DuFief community on any part of a home, fence, shed, or any other exterior structure. A palette depicting an approved range of colors is available for homeowner reference from the Committee chairman.

#### 3. Vinyl Siding Requirements

##### a) General.

The following requirements must be read, signed, and submitted as an attachment to an application for installing vinyl siding. Forms for this may be obtained from any Committee representative.

##### b) Specific requirements:

- 1) Samples of all external siding materials must accompany the application. Include siding material for the main body of the house which is large enough to show the distance between the channels. Also include samples of "coil stock" materials. All materials submitted must be the exact color intended for installation on the home.
- 2) The siding for the main body of the house must have a wood grain appearance and a non-shiny surface.
- 3) Spacing of channels in the siding should be similar to existing wood siding in DuFief. In all cases the channels are to be equal distance apart.
- 4) The trim material, known as, "coil stock", may have a flat or wood grain texture. The trim must have a non-shiny surface.
- 5) The siding must be installed vertically and panel breaks installed to match the prior configuration of the home.
- 6) Existing accent panels (under windows on several Dufief homes) may be retained or eliminated when installing vinyl siding. The application should state whether the accent panels are to be retained or eliminated. If retained, color of the accent panels must be submitted as part of the application. Accent panels may be covered with coil stock by the vinyl siding installer or painted
- 7) The installation must be performed by a licensed/bonded contractor. No installations of vinyl siding by homeowners will be allowed unless the homeowner is a siding contractor.

- c) A copy of the above requirements must be provided by the homeowner to the installer.

### B. Fences, Screens, and Walls Above-Grade

#### 1. General

- a) Any fence, screen, or wall above-grade must be approved by the Committee before installation is undertaken.
- b) Front yard boundary fencing will not be approved.
- c) No fence, wall or screen will be approved if its installation will obstruct sight lines for vehicular traffic.
- d) Every effort will be made by the Committee to keep all fencing, walls and screening as harmonious as possible with the architectural character of the community.

#### 2. Height and Length Restrictions

- a) Property fencing and walls above-grade shall not exceed six (6) feet above-grade.
- b) Freestanding screens shall not exceed the minimum necessary height to achieve the purpose for which they were designed, but in no event shall they exceed six feet.

#### 3. Materials and Finish

- a) Wood fencing or screening will be approved if the design conforms with the architectural design of the community.
- b) The Committee will not approve an application for the installation of chain link or other galvanized metal fencing.
- c) Walls above-grade should be constructed of natural stone, masonry or attractive timber.
- d) All fencing, screening or walls shall have finished materials on both sides. If one side has a more finished appearance, this side must face the public side of the individual lot.

- e) All fencing or screening, if painted or stained, must match the parent structure, unless otherwise approved by the Committee.

#### **C. Retaining Walls and Exterior Stairs**

##### **1. General**

- a) Any retaining wall must be approved by the Committee before installation.
- b) Retaining walls which divert ground water onto adjoining properties, or otherwise substantially change the existing drainage patterns, will not be approved.
- c) Before approving retaining walls in excess of three (3) feet in height, the Committee may require the applicant to provide the Committee with professional assurance as to the wall's stability and structural integrity.

##### **2. Materials**

Retaining walls and exterior stairs should be constructed of natural stone, masonry or attractive timber.

#### **D. Swimming Pools**

##### **1. General**

- a) Approval of swimming pool (either above - or below - grade), spa, or hot tub installations will only be given after careful consideration of site, design, enclosure and the effect such a facility will have on neighboring lots and the community.
- b) It is suggested that an individual contemplating such a project consult with the Committee during the preliminary planning stages.
- c) Particular attention will be given to the drainage of the pool and safe storage areas for the necessary chemicals.
- d) Pools of two (2) feet, or less in depth are excluded from these requirements

##### **2. Fencing**

- a) The Committee will not consider an application for the construction of a permanent type backyard swimming pool unless the application is accompanied by an application for a fence design that, at a minimum, meets Montgomery County code.
- b) Minimum fence design shall include self closing and latching gates, adequate height and acceptable materials. (For guidelines, see Section B).

#### **E. Driveways (Paving)**

1. All driveway extensions are to be submitted for Committee approval. Submittals must include a sketch of the existing driveway in relation to the house/street that indicates the proposed extension.
2. All driveway extensions are to be paved with the same material/design used throughout the entire driveway for a uniform appearance (i.e. no gravel-concrete-blacktop combinations will be approved).

#### **F. Trailers, Boats, Campers, Recreational Vehicles, and Related Equipment**

1. The storage of boats and boating equipment, campers, recreational vehicles, and related equipment, outside of the house or garage on any lot for longer than two weeks, requires the approval of the Committee.
2. The Committee will not consider an application for the permanent storage of such equipment unless the applicant accompanies his application with an acceptable screen design. Such a screen shall be designed so as to shield the view of this equipment from the street and the neighboring lots. Storage locations will be carefully assessed as to the effect on neighboring lots and the view from the street.
3. Commercial vehicles, which exceed 19 feet in length, are prohibited on any lot for more than 2 weeks without the homeowner providing storage/screening that has Committee approval.
4. Permanent connections or connections to provide "live in" conditions will not be approved.

#### **G. Play Equipment**

1. Semi-permanent children's play equipment, such as sandboxes, swings, slides, playhouses and tents, shall not require the approval of the Committee provided that such equipment is not located forward of the rear building line and every reasonable effort has been made to shield such equipment from the view of the street.
2. Tree houses must be approved. Once approved and constructed, they must be maintained in a way that does not present an eyesore to neighboring lots.

#### **H. Exterior Lighting**

1. Exterior lighting shall not be directed in such a manner as to create an annoyance to the neighbors.