

**PRESERVE AT ROCK CREEK COMMUNITY  
ASSOCIATION, INC.**

**Architectural Covenants Committee Procedures  
and Architectural Guidelines**

**A Guidebook for Homeowners**

**As amended December 2018**

Adopted:

  
\_\_\_\_\_  
President

3 DECEMBER 2018  
Date

*Revisions:*

*November 2016: Fencing Guidelines; Deer Protection Guidelines*

*December 2018: Appeal Process to be consistent with Declaration; Mailboxes; Security Cameras;*

*Application Submission Address; Deleted Speakers to be consistent with Covenants*

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## **SECTION I**

### **PURPOSE OF THE GUIDEBOOK**

The primary purpose of this Guidebook is to familiarize homeowners with the objectives, scope and application of architectural environmental and design standards and guidelines which are applicable to the lots and parcels within the subdivision (collectively called the “guidelines”), and which are intended and will be employed to maintain the aesthetic appearance and environmental quality of the subdivision.

This Guidebook enumerates specific guidelines which have been adopted by the Preserve at Rock Creek Community Association, Inc. (the "Association"). It also explains the application and review process which must be adhered to by homeowners who wish to make any exterior changes (including additions, deletions and other changes) to their homes or lots, which are subject to approval by the Association or its Architectural Covenants Committee (ACC) also referred to as the Covenants Committee (CC).

This Guidebook will serve as a valuable reference source and will assist homeowners in preparing applications for review by the ACC. All homeowners are encouraged to familiarize themselves with its contents and to retain this Guidebook for future use.

## **SECTION II**

### **BASIS FOR AND OBJECTIVES OF RESTRICTIVE COVENANTS**

All properties within the subdivision are subject to the Declaration of Covenants, Conditions and Restrictions (the “Declaration”), which are part of the deed to every property. The Declaration is binding upon all homeowners and their successors in ownership, regardless of whether they are aware of or familiar with its provisions.

The Declaration contains specific restrictions (“Restrictive Covenants”) on what changes may be made, and how they may be made. It requires homeowners to obtain approval from the ACC before performing most exterior changes. The promulgation and enforcement of environmental and design standard and guidelines is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community;
- Promote harmonious architectural and environmental design qualities and features;
- Promote and protect the owners’ and occupants’ use and enjoyment of the lots;
- Promote and enhance the visual and aesthetic appearance of the community.

The enforcement of environmental and design standards will not only enhance the physical appearance of the community, but it will also protect and preserve property values. Homeowners who reside in the communities which enforce environmental and design standards are protected from actions of neighbors which can detract from the physical appearance of the community and,

in some cases, diminish property values. Surveys of homeowners living in such communities reveal that this can be an important consideration in the decision to purchase a home.

The guidelines will provide guidance to homeowners in preparing applications for submission to the ACC. They will also provide guidance to the ACC in exercising its discretion to approve or disapprove a particular application. However, the ACC in its discretion may approve applications which conflict with the guidelines, and may disapprove applications which conform to the guidelines, in those instances where the ACC deems such decision to be consistent with the overall intent of the guidelines and the Declaration.

### **SECTION III**

#### **NATURE OF THE ARCHITECTURAL COVENANTS COMMITTEE**

The ACC consists of three or more individuals appointed by the Association's Board of Directors. The ACC will review and approve (or disapprove) applications submitted by lot owners for exterior changes to homes or lots. As part of its responsibilities, the ACC may make recommendations to the Board of Directors with respect to modifications of the guidelines initially approved by the Board. The ACC will also be responsible for reviewing possible violations of the guidelines.

### **SECTION IV**

#### **CHANGES REQUIRING REVIEW AND APPROVAL**

Essentially, all changes, permanent or temporary, to the exterior of a building or lot are subject to review and approval by the ACC. The review process is not limited to major changes, such as adding or removing a room, deck, or patio.

There are some exceptions to this otherwise-inclusive review requirement, as follows:

1. Building exteriors may be repainted or re-stained provided that there is no color change from the existing, approved color and finish.
2. Similarly, exterior building components may be repaired or replaced so long as there is no change in the type of material, color, finish, design, dimensions, location, or appearance.
3. Minor landscape improvements, such as customary foundation plantings, do not require approval by the ACC. In general, landscape improvements of a small scale, which do not materially alter the appearance of the lot or involve a change in topography or grade, will be exempt from the review process.

If there is any doubt as to whether or not a proposed change is exempt from the review and approval requirements, the homeowner should seek clarification from the ACC before proceeding.

## SECTION V

### APPLICATION AND REVIEW PROCEDURES

The following application and review procedures will be used by the ACC:

1. Applications.

All applications for proposed changes must be submitted in writing or electronically. The ACC may require that a specific form of application be used. An application must be complete before the ACC will commence the review process. An incomplete application will be returned to the applicant with a statement of deficiencies which must be remedied in order for the review process to commence.

2. Supporting Documentation.

The application must include a complete and accurate description of the proposed change, the plans and specifications, the design, dimensions, elevations, materials, shapes, heights, colors and finishes, and a site plan showing the proposed location, with grading modifications (if any). Examples include: architectural drawings for plans, as applicable; landscape plans; material and/or color samples, etc.

3. Time Period for Completion of the Review.

The ACC is required to approve or disapprove proposed changes within sixty (60) days after the receipt of a complete application, including any required or requested exhibits. It is therefore advisable for a homeowner contemplating a change to first ensure that he or she is aware of all required supporting documentation, prior to submitting an application.

In the event the committee, fails to approve or disapprove any application within sixty (60) days after submission, the application will be deemed to have been disapproved

4. Notice of Approval/Disapproval.

A homeowner who has submitted a complete application will be given written notice of the decision of the ACC by mail, sent to the address of the subject property.

5. Appeal.

Any Association member may appeal a decision of the ACC by submitting a written request to the Board of Directors within ten (10) days after notice of the decision is mailed by the ACC to the applicant. This request should include any new or additional information which might clarify the requested change or demonstrate its acceptability. The Board of Directors shall conduct a hearing related to the appeal within thirty (30) days of such appeal notice. The Board of Directors will respond in writing to an appeal within thirty (30) days from the date of the appeal hearing.

6. Duration of Approval.

Approval by the ACC is good for a period of one (1) year from the date given. Should the homeowner fail to begin the work contemplated by the approved application prior to the expiration of six (6) months from the date of approval, or fail to complete the work within one (1) year from the date of approval, the ACC's approval shall automatically expire, and the homeowner shall be obligated to submit a new and complete application to the ACC, and to obtain its approval before proceeding.

**SECTION VI**

**GOVERNMENTAL REQUIREMENTS**

THE APPLICANT IS RESPONSIBLE FOR IDENTIFYING AND COMPLYING WITH ALL APPLICABLE GOVERNMENTAL REQUIREMENTS AND FOR OBTAINING ALL REQUIRED GOVERNMENTAL PERMITS. APPROVAL BY THE ACC IS CONDITIONED UPON THE HOMEOWNER OBTAINING SUCH PERMITS PRIOR TO COMMENCING ANY WORK, AND ON THE HOMEOWNER'S CONTINUED COMPLIANCE WITH SUCH REQUIREMENTS AND PERMITS. APPLICATIONS FOR PERMITS AND ALL FEES ASSOCIATED THEREWITH ARE THE SOLE RESPONSIBILITY OF THE HOMEOWNER. PERMITS SHALL BE POSTED AS REQUIRED BY GOVERNMENTAL AUTHORITIES. NOTE THAT "MISS UTILITY" ([www.missutility.net/maryland/](http://www.missutility.net/maryland/)) SHOULD BE CONTACTED FOR LOCATION OF CABLES AND/OR PIPE WORK PRIOR TO ANY DIGGING WHEN CONSTRUCTING DECKS, FENCES, ETC.

**SECTION VII**

**ENFORCEMENT PROCEDURES**

The Association, acting through the Board of Directors, has the power and authority to enforce compliance with the architectural guidelines. The Policy Resolution Relating to Enforcement and Due Process may be used.

The Enforcement and Due Process procedures do not preclude the Board from taking accelerated measures in the case of a violation which constitutes an emergency situation.

**SECTION VIII**

**ARCHITECTURAL GUIDELINES**

**NOTE: THESE ITEMS ARE STILL SUBJECT TO THE APPROVAL OF THE ACC AND/OR BOD**

1. ANTENNAS.

- Interior installation will be required if reasonably feasible and effective.

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- Size, shape color, finish, location and appearance must be such as to keep to a reasonable minimum (consistent with effectiveness of operation) the visual impact, from streets and other lots.
- Screening may be required.

2. DECKS/GAZEBOS.

- Location: In general, decks and gazebos are restricted to rear yard area. Side yard locations will be evaluated on their individual merits.
- Must be of composite material.
- Must be compatible in scale and design with the home as sited on the lot, as well as of the same style and type as the builder has initiated. Screening will be evaluated on a case by case basis.
- Screening may be required for the underside of an elevated deck and all supporting deck posts are required to be vinyl wrapped or painted to match the deck.
- Applications must include a site plan showing size of deck, location as it relates to applicant's house and a description of the details of the materials, colors, railings, trellises, posts, stairs, steps, benches, etc. and are required to be clearly described in the proposal. Please include the height of the deck off the ground.

3. DECORATIVE OBJECTS AND LAWN ORNAMENTS.

- Must not create an adverse visual impact, from a street or another lot.
- Must be compatible in design, scale, location, color and finish, with the applicant's lot and neighboring lots.

4. EXTERIOR AIR CONDITIONERS AND HEAT PUMPS.

- Individual window and wall units are prohibited.
- An exterior central air conditioning or heat pump unit may not be relocated, unless it is demonstrated that relocation would not create an adverse visual or sound impact, from a street or another lot.

5. EXTERIOR LIGHTING.

- Must be compatible in design, scale, color, finish and location with the home and neighboring lots.
- Shall not be focused toward a boundary of the applicant's lot.
- Color and intensity of emitted light must be appropriate to the location and surroundings.
- Must not create an adverse visual impact, from a street or another lot.



6. EXTERIOR PAINTING.

- Approval is not required for repainting or re-staining which matches the existing, approved color.
- Must be compatible in color and texture with the home and the surroundings, including neighboring lots.

7. FENCING.

- Fencing is a barrier enclosing a yard or area comprised of posts and other material such as wire to prevent entrance and/or to confine or mark boundaries.
- Fencing can be used to separate property, provide security, visual privacy, or to architecturally define space. In achieving any one of these goals, a barrier is created which has both a visual and a physical impact on the boundaries of common land and the properties of adjacent homeowners.
- No front yard fence will be allowed, other than those previously installed by the builder as part of the overall community landscaping. Side yard fencing may be permitted on end unit town homes and single family homes on an individual basis. Fencing should be compatible with the applicant's house, but it should also be appropriate for its intended purpose.
- All fencing must be 6 feet in height either in a white, cream, ivory or almond colored vinyl or composite material wrap or be composed of black aluminum bars only.
- Fencing on a single family home that is in the front plane of the property and running parallel with the front of the property must match on either side of the home no matter the fence-type used by an adjacent property
- Chain-linked, mesh and barbed-wire fencing is prohibited. Ornamental or decorative fencing will be reviewed on a case by case basis.
- A hedge fence will be considered, provided it is composed of only one type of plant, appropriate for the purpose, and is compatible in scale and appearance with its surroundings, and is maintained to provide an effective and visually-appealing hedge.
- A fence being installed or replaced may be required to be connected to existing fencing in similar locations on abutting properties.
- Single Family Fencing: Fence must follow the line of the property. Generally, all side yard fencing must terminate within five feet (5') of rear wall of home. Any variation of this requirement will be reviewed on a case by case basis.
- Townhome Fencing: Fences must follow the line of the property. Side yard fencing will be permitted on end unit yards. In this case, however, the fence must be terminated within five feet (5') of the rear wall. Any variation of this requirement will be reviewed on a case by case basis.
- Applications must include a site plan showing location and a description of type of fence and height and the details of the material, color, etc. and are required to be clearly described in the proposal.

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- Fencing for Properties 40,000 Square Feet or Larger: Homeowners may choose to fence a portion of said property not smaller than the unfenced portion of the rear yard (with the exception for pools). Any unfenced portion of the yard is still required to be maintained by the landscaping guidelines.
- Pool Fencing: Pools require special fencing per Montgomery County code. In cases of a pool, the owner may choose to fence a smaller portion of the yard that will only encompass the pool area. Any fence chosen to encompass the pool must follow the existing fencing guidelines.
- Vegetable or Primarily Edible Garden Fencing: Temporary fencing will be allowed and ACC approval is not required providing the following guidelines are followed:
  - i. The temporary fence option is an alternative to permanently fencing the entire property or a large portion of said property and applies only to vegetable/edible gardens.
  - ii. Qualifying vegetable/edible gardens are comprised of 80% or more edible plant material and/or vegetable plants and are located in the rear of the home only.
  - iii. Temporary fencing is only allowed around such vegetable/edible gardens from April 1<sup>st</sup> of the year the vegetable/edible garden is put into use and must be taken down that same year by no later than November 15<sup>th</sup>.
  - iv. Such temporary fencing must consist of such colors that allow it to blend into the environment. Approved colors for temporary fences are: black, brown or green. Materials used for such fencing must be plastic or vinyl wrapped only. All poles used for temporary fencing are to be no taller than six feet (6') in height (but may be shorter) and are required to remain perpendicular to the ground for the entire season in which the vegetable/edible garden is in use.
  - v. Any netting used must follow the same color guidelines of black, brown, green or additionally, clear and can be used to enclose the vegetable/edible garden. Any netting should remain taut and properly fastened throughout the season in which the vegetable/edible garden is in use.
  - vi. Temporary fencing will be considered in violation if left up longer than November 15<sup>th</sup> or put up earlier than April 1<sup>st</sup>.

8. FLAGPOLES.

- Free standing flag poles are prohibited.
- Homeowners wishing temporary flagpole staffs that do not exceed 6' in length and are attached at an incline to the front wall or pillar of the house or dwelling unit need not have an application.

9. GRILLS.

- A grill of a permanent nature may be placed in the rear yard, as far as practicable from the lot lines.

- The scale, design, materials, color and appearance must be compatible with the home and nearby lots and structures.
- Must not create an adverse visual impact, from a street or another lot.
- Screening may be required.

10. HOT TUBS/SPAS.

- Must be located in the rear of and adjacent to the home.
- In general, should be designed as an architectural feature of a deck or patio.
- Must be compatible with the home, and the deck or patio to which attached or most closely related, with respect to scale, design, materials, color and finish.
- Screening may be required.

11. LANDSCAPING.

- Care must be exercised in the planting and maintenance of trees and shrubs on your lot to prevent obstruction of sight lines required for vehicular traffic. It is the responsibility of the homeowner to ensure that their lot is mowed and gardens maintained throughout the growing season; this includes removal of all unused stakes, trellises and dead growth.
- Consideration must also be given to the type of trees to be planted, specifically with regard to size of mature trees and how the roots will affect water lines, underground cables, property boundaries, drainage, etc.
- Applications, when required, must include a description of the types and sizes of shrubs to be planted and a site plan showing the relationship of plantings to the house and adjacent properties.
- A vegetable garden may be permitted if located to the rear of the home, and if appropriate in scale. Vegetable gardens, consisting of a garden composed of primarily edible plants (80% or greater) will be allowed to be up to 1% of the total lot square footage without ACC approval.
- Compost piles are prohibited.
- *If any such plantings result in complaints by neighbors, the Board of Directors will consider appropriate measures.*

An application **IS NOT REQUIRED FOR LANDSCAPING** if it meets all of the following conditions:

1. Located at the rear of the unit
2. Size does not exceed 10' x 10'.
3. Landscaping does not damage property through the flow of water onto adjacent property.

4. Foundation landscaping (within four feet (4') of the base of the unit) which meets all of the following conditions: Restricted to natural landscaping (i.e. plants, shrubs and trees) and railroad ties, garden timbers or other materials used to construct a border or retaining wall which does not exceed eighteen inches (18") in height and remain within four feet (4') of the foundation.

**An application IS REQUIRED for:**

1. Hedges, forming a fence-like structure, which will grow to more than two feet (2') in height or eight feet (8') in length, or other structural features, fences or screens and a part of other applications where required.
2. Rock gardens or rocks or collections of rocks exceeding twenty-four inches (24") in any direction. All rocks shall be left their natural color.
3. Railroad ties or garden timbers which form a wall over eighteen inches (18") high or ten feet (10') long. Walls over twenty-four inches (24") may require governmental approvals. Include a site plan with the location of ties or timber drawn in, and information on landscaping plans and any grading changes.
4. Removal or planting of trees of a diameter of more than four inches (4") measured two feet (2') above ground level.
5. Any landscaping or gardens that are not covered in the paragraphs above.
6. Any improvement or change taking place within an easement.

12. PATIOS

- Should be located to the rear of the home, although side yard locations will be considered.
- Must not adversely impact drainage.
- Must be compatible in scale, design, materials, color and finish with the home and nearby lots and structures.
- All patios need Architectural Covenants Committee approval.

13. RECREATION AND PLAY EQUIPMENT.

- Creatively designed equipment is encouraged. The guidelines listed below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact.
- In general, all exterior play equipment must be placed in a rear yard location that will minimize the negative visual and physical impact to the community. The equipment must be well maintained. No peeling, rusting, crumbling or extreme fading will be permitted. Consideration must be given to lot size, equipment design and size, amount of visual screening, etc. No metal play equipment will be allowed.
- Play equipment for a single family home must be located within the rear plane of the house. All play equipment not within a fenced yard or extending above the height of

the fence must be approved by the Architectural Covenants Committee.

- Mobile Basketball Hoops: Mobile basketball hoops must be upright at all times and used as intended. The base must be filled properly with the required materials (for example, sand or water) and should not be weighted with bags of sand, mulch or other materials on the top of the base. However, if additional material is needed to secure the basketball hoop to keep it from falling over other than filling the base with the recommended materials then additional sand bags may be added to the base, but must be covered neatly with a black tarp and bungee cords or something similar that is esthetically pleasing. Complaints from neighbors may result in a violation and recommended changes will be determined by the Board of Directors.

#### 14. STORAGE SHEDS.

- Storage sheds affect both an individual property and the neighborhood. As a result, all storage sheds must be compatible with both the architecture and landscape surrounding the house. Consideration must be given to lot size, shed size and the impact on views from neighboring properties.
- The shed should be designed to appear as part of the house/landscaping/fence theme and may be part of a deck. Building materials must correspond to design theme, including color.
- The size of the shed may not exceed 0.8% of the total lot square footage and may not be greater than one story in height, not to exceed 10ft. Shed material is to be vinyl or hardiplank siding only as to best match the existing house structure.
- Applicants must review fence and shed design criteria with respect to visibility, privacy and materials prior to design.

#### 15. STORM/SCREEN DOORS AND WINDOWS.

- Must be compatible in design and appearance with the home.
- Storm or screen doors must be painted the same color as the entry door behind them, the same color as the surrounding wood trim or be white only.
- Storm/screen doors must be full-view.
- Storm and screen window frames must match the trim of the house or be white.

#### 16. SWIMMING POOLS.

- Must be built in-ground and located to the rear of the home.
- Must be compatible with the home and the surroundings in design, scale and location.
- The pool and its filtration and other equipment must be screened from view, from the streets and other lots.
- Must be adequately and appropriately covered during extended periods of non-use (i.e. more than twenty-five consecutive days).
- Must be consented to in writing by all adjacent lot owners.

17. TRASH/RECYCLABLE CONTAINERS.

- All trash is to be kept in trash containers with lids/covers that fit securely atop the trash container.
- Must be stored in an area not visible from a street or another lot.
- May be set out for trash or recyclable pickup only during the evening preceding and the day of the scheduled pickup.
- Must be designed, maintained and located so as not to attract rodents or insects.
- Must be conventional and unobtrusive in design, scale, color and finish.
- There should be no grass clippings, yard debris or weeds stored in any open container at any time in public view.

18. SOLAR PANELS.

- Solar panels will be attached to the roof of the primary residence only and nowhere else on the property.

19. COMPOST BIN

- Compost bins must be fully enclosed, of a residential size, located in the rear of the home either close to the house or screened from view.

20. ADDITIONS

- All additions, whether attached to the primary residence or freestanding will use like-quality and color materials as the primary residence.
- Like material type will include, but are not limited to roofing, brick, siding, windows, trim pieces, railings, supports, etc.
- Any item, except for items specifically considered a storage shed, where a roof or covering parallel to the ground is required, will be considered an addition.

21. MAILBOXES

- Only the two styles of mailboxes as originally installed by the builders are allowed:  
Delmarva Mailboxes & More (571-379-8454 or 1-800-689-1265) model MP-17  
(wood post) or model 102 (aluminum post set in concrete)
- Homeowners may install either one at their discretion without submitting an architectural application.

22. SECURITY CAMERAS

- Approval is not required for external security cameras as long as they maintain harmony with the property.
- Must not create an adverse visual impact, from a street or another lot.
- May only be directed towards the homeowner's own property and may not point towards anyone else's property.

## **SECTION IX**

### **GENERAL MAINTENANCE GUIDELINES**

Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. Property ownership includes the responsibility for maintenance of all structures and grounds that are a part of the property. This includes, but is not limited to items such as mowing grass, removal of trash, and structural maintenance.

### **EXTERIOR APPEARANCE**

Homeowners are responsible for maintaining the exterior of their homes and any other structures on their property, such as decks, fences, sheds and play equipment.

### **MOWING**

Turf Definition: Turf is to be defined as an portion of the property that is not a garden, delineated by bushes and plantings with mulch or exposed dirt between plants, is not covered solidly with rocks, pebbles, boulders or sand, or any type of paving (patio, sidewalk, driveway or any other like surface) and may be composed of, but is not limited to sod, grass and weeds of any current height.

Turf areas must be maintained consistent with the Policy Resolution Relating to Turf Maintenance Standards.

### **LAWN MAINTENANCE**

1. All soil should be tested before fertilizer is added - especially in areas where drainage will flow into ponds. Special care should be taken not to over-fertilize lawns and gardens where there is the chance of runoff into storm water management areas.
2. Weeds, clovers, dandelions, crab grass or similar non-grass species, etc. should not exceed more than 15 percent (15%) of the turf area.
3. Grass edging must be kept within two inches of sidewalk, driveway edges and all landscaping.
4. Mulch in landscape beds must be maintained with a fresh appearance in spring, summer, and fall months.

### **TRASH REMOVAL**

Each homeowner is responsible for picking up litter on his/her property as well as preventing windblown debris from originating on their land.

Association Open Space should not be used as a dumping ground for debris. All debris must be disposed of in appropriate methods.

## EROSION CONTROL

Each homeowner is responsible for insuring that their lot area is protected from erosion and that storm drain structures are not blocked so as to create additional erosion problems.

## SECTION X

### PET CONTROL

Household pets such as dogs and cats may be kept, provided that they are not bred or maintained for commercial purposes and do not create a nuisance or annoyance to surrounding lots or the neighborhood. Pets must be in compliance with applicable County ordinances.

Specific Rules and Regulations governing pets have been adopted by the Architectural Covenants Committee. They are as follows:

1. The Architectural Covenants Committee has extended permission to the County Animal Warden to enforce all applicable portions of the County Ordinance in regard to all animals and pets within the common areas.
2. Owners and all other persons who are owners and/or custodians of pets shall not allow such pet to run at large in the community. A dog or cat shall be deemed to run at large while roaming, running or self-hunting or when not restrained by a dependable leash and controlled by a responsible person as defined by County Ordinance.
3. All pets must have appropriate shots, licenses and tags, as required by County Ordinance.
4. Pet owners shall be responsible for immediate clean-up and proper disposal of pet wastes. Properly contained pet waste may be disposed in common area trash cans.
5. Homeowners or guests who own pets shall ensure that their pets do not become a nuisance to other homeowners in the Association. Actions which may constitute a nuisance include, but are not limited to: barking, crying, scratching or being hygienically offensive.
6. Pets shall not be chained or leashed on any common area.
7. Pet owners shall incur any and all costs for repairing damage to common areas caused by their pet(s).
8. Homeowners should report any violations of the above items to the County Animal Control and violation of item 4 to the Health Department.
9. Any other violations should be reported, in writing, to the Association's management company, with specific information as to the name and address of the violator, the time and date, and the description of the pet.



## SECTION XI

### VEHICLE CONTROL

Specific rules and regulations regarding vehicles have been adopted by the Architectural Covenants Committee. They are as follows:

#### GENERAL

- Vehicles are prohibited from blocking the right-of-way sidewalk access even while parked in the resident's own driveway.
- No unlicensed vehicles, including but not limited to motorized bicycles, motorcycles, mini-bikes, go-karts, etc., shall be operated on or parked upon any common area in the community.
- Minor vehicle repairs must be completed within 48 hours from the starting time of the repair. Major repairs (including but not limited to engine transmission, rear end overhaul) are prohibited.
- Dumping, disposal of leaks of oil, grease, or any other chemical, residual substances, or any substance of particles from holding tanks of vehicles of any type (as a result of the repair, maintenance, or carelessness) is not permitted on any areas. Disposal must also conform to environmental regulations.
- The dumping of motor oil and other petroleum products into the storm sewers is a direct violation of the State Water Control Law and may lead to civil penalties and clean-up costs for the responsible person(s).
- All motor vehicles shall not exceed the posted speed limit while operated in common areas.
- Owners of vehicles will be held liable for all costs to repair damages to common areas caused by negligence, repair operations on the vehicle or storage of any combustible, dangerous or otherwise hazardous material on common areas (regardless of the type of container).
- Parking of motor vehicles with commercial lettering, including but not limited to vans, trucks, taxicabs, buses, or cars are prohibited in the community including areas that have been designated as guest parking. Trucks greater than 3/4 ton in size are prohibited in the Association.
- Overflow or guest parking or driveways may not be used for storage of motorcycles, boats, trailers, campers, etc.
- Any unlicensed person is prohibited from operating any motor vehicle on common areas.
- All persons operating motor vehicles upon common areas shall conform to all traffic control signs posted on the premises and in accordance with the provisions of the traffic ordinances of the appropriate governmental agencies.
- Operation of any motor vehicle in violation of the Code of Maryland, as amended, is prohibited. Consent is hereby given by the Architectural Covenants Committee to all

appropriate law enforcement officers who are hereby empowered to enforce all motor vehicle laws in the streets and common areas of the community.

- Vehicles parked on property must be in compliance with appropriate governmental regulations. Violations of this rule shall result in the posting of Notice on the vehicle directing removal of the vehicle or correction of the violation within 5 days. All actions shall be coordinated with the appropriate governmental authorities.
- The Architectural Covenants Committee and/or the Board of Directors shall be empowered to have vehicles which are in violation of governmental regulations, removed from the common areas, at the owner's risk and expense, upon forty-eight (48) hours' notice posted on the vehicle.

### RECREATIONAL VEHICLES

The Association defines a Recreational Vehicle as the following:

1. Any of various vehicles such as campers, trailers and motor homes as outfitted with holding tanks, stove, sink, or accommodations for sleeping, often with modifications that allow the expansion of space within the vehicle such as pop-up roofs or sliders.
2. Any truck with a topper\cap\slip-in installed that is higher than the cab roof line of the truck for which it is mounted upon.
3. Any trailer (enclosed or open) to include car & motorcycle haulers, utility trailers, etc.
4. Boats and other watercraft.
5. All-terrain vehicles to include quadricycle, tomcar, amphibious ATV & tractors.
6. Dune Buggies, off-road vehicles, snow mobiles; motorized scooters and dirt bikes to include enduros, minibikes and other comparable vehicles.
7. Any other type of vehicle primarily designed for recreational use, as opposed to conventional passenger use.

Recreational vehicles shall not be kept on any lot or in the common areas or parking areas. Additionally, any vehicle with a gross weight in excess of 8,900 pounds and/or more than 23 feet in length (bumper to bumper) may not be used or parked within the property overnight without the prior written approval of the Board of Directors or the Covenants Committee.

## SECTION XII

### CONTRACT DISCLOSURE PACKET

Lots are subject to the Maryland Homeowners Association Act. The seller is required to obtain from the Association an Association Disclosure Packet and present it to the Purchaser. Information provided in the Packet is outlined in Section 11B of the Act and includes information on the current status of assessment payments and on the existence of any architectural violations. The Disclosure Packet helps to protect the future buyer against unknown problems with past

owners' architectural changes or past-due assessments. If everything is in order, it also protects the seller from potential law suits involving violations of the Covenants by subsequent owners.

### **SECTION XIII**

#### **DEER PROTECTION GUIDELINES**

It is encouraged by the Association for all residents consider planting “deer resistant” plantings and trees whenever possible. However, no plant is completely deer resistant 100% of the time, which is why the Association is providing additional guidelines to support the protection of plantings throughout the community.

All deer protection is requested to have a minimal visual impact to the landscaping and should not be readily noticeable from the street or sidewalk. Any deer protection found readily visible by the Association may be given a violation and asked to be removed or given a remediation action.

Trunk protection for trees may be used and should only line the trunk of the tree. A trunk protector should be no more than three inches from the tree trunk at any point. Trunk protection will be black, brown or gray in color only. Trunk protection must be evaluated as the tree grows larger as not to impede the tree growth.

Any additional deer protection required for certain plantings throughout the yard may be done through the use of mesh-type netting only, which is comprised of a 0.5-1.5 inch mesh. This netting should be maintained and replaced at regular intervals; at no time should plant growth be protruding from the netting or should the netting restrict the plant growth. Plants that are growing through any netting would be considered in violation. Any netting used should be black, brown, green or clear in color and should not be readily seen from the street. The netting should conform to the plant and should remain within three inches of said planting. No poles in combination with netting shall be allowed at any time anywhere on the property with the exception of temporary vegetable/edible gardens from April 1<sup>st</sup> through November 15<sup>th</sup> of the year the vegetable/edible garden was put into use.

Deer protection for flowers in garden beds may be provided by the use of netting or mesh that is 0.5-1.5 inch mesh with low arched supports provided no portion of the netting or arch support system exceeds 14 inches from the ground. All netting and supporting arches are to be black, brown, green or clear as will best blend with the landscaping. No other colors will be allowed. No poles that are perpendicular to the ground are allowed; only low arch supports will be allowed for this type of garden bed.

Architectural Application Instructions

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**WHAT TO INCLUDE IN AN APPLICATION FOR EXTERIOR MODIFICATIONS:**

1. **A House Location Survey (Certified Plat).** A copy of your plat **MUST** be included for new construction and additions to be a present structure on the lot. Please submit plat for decks, fences, patios, play houses, sheds, landscaping, etc. The location of the proposed structure **MUST** be drawn/outlined on the plat. Plats are not required for paint changes, storm doors/windows or other such modifications.
2. **Dimensions.** Provide all dimensions, including height, roof slope, etc. on new construction.
3. **Detailed Drawings.** A full set of architectural drawings must be included for some changes such as decks, fences, patios, etc. Landscaping plans including size and type of plants as well as number to be planted **MUST** be included.
4. **Description of Materials.** Provide a list of **ALL** materials to be used in the proposed construction.
5. **Description of Colors.** Applications for colors, which are not the original color of the house and/or trim **MUST** be accompanied by actual color samples/photos.
6. **Photographs.** Photographs of existing conditions are helpful to the Architectural Committee. Please be sure include a brochure of a picture for new window modifications, & etc.
7. **Samples.** Provide a small sample of siding and/or shingle when changing the siding or the roof from its original color.
8. **Drainage.** Changes in grade or other conditions that will affect drainage **MUST** be indicated. Applications may be disapproved if adjoining properties are adversely affected by drainage changes.
9. **Signatures of Property Owners.** Obtain signatures of all property owners who will be most affected by the change. A minimum of **TWO** signatures **IS** required with the application. **Neighbors signatures are to acknowledge that the work is going to be commenced at the time referenced on your application, not to approve or disapprove of the modification.**
10. **Railing Detail.** Please be sure to reference the style of railing you propose to install on your deck.

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- a. For **decks and fences** include numbers 1-6 and 8-10.
  - b. For **landscaping** include numbers 1-3,6 and 8-9.
  - c. For **sheds and doghouses** include numbers 1-4,6 and 8-9.
  - d. For **storm, screen, & front doors** include numbers 2,5-6 and 9.
  - e. For **lattices** include numbers 2-4,6 and 9.
  - f. For **recreation and play equipment** include numbers 1-6 and 9.
  - g. For **patios** include numbers 1-4,6 and 9.
  - h. For **siding** include numbers 5, 7 and 9.
  - i. For **shingles (on roof)** include numbers 5, 7 and 9.
  - j. For **windows** include numbers 5, 6 and 9.
  - k. For **satellite dishes** include numbers 1,5,6, and 9.
  - l. For **pools** include numbers 1-4,6, and 8 & 9.
  - m. For **driveways** include numbers 1-4,6 and 8 & 9.
  - n. For **attic vents/fans and/or skylights** include numbers 2,3,5,6 & 9.
  - o. For **home additions and/or detached garages** include numbers 2-6,8 & 9.
  - p. For **color changes** include numbers 5 & 9.
  - q. For **additions** include numbers 1-9

**\*\* PLEASE BE SURE TO SUBMIT ALL ITEMS LISTED OR YOUR APPLICATION WILL BE RETURNED AS INCOMPLETE.\*\***

PRESERVE AT ROCK CREEK COMMUNITY ASSOCIATION, INC.

Application for Exterior Modification

APPLICANT'S NAME: \_\_\_\_\_

ADDRESS OF PROPOSED CHANGE: \_\_\_\_\_

ALTERNATE MAILING ADDRESS (IF APPLICABLE): \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ WORK PHONE: \_\_\_\_\_

CELL PHONE: \_\_\_\_\_ EMAIL ADDRESS: \_\_\_\_\_

FIRST SUBMITTAL:            YES            NO            RESUBMITTAL:            YES            NO

INSTRUCTIONS TO APPLICANT:

1. Consult the Design Guidelines for specific requirements for each proposed change.
2. Submit application form, drawings, and other required documents to:

PRESERVE AT ROCK CREEK COMMUNITY ASSOCIATION, INC.  
 c/o Property Management People  
 955-A Russell Avenue  
 Gaithersburg, MD 20879

**OR**

Email to Pamela Webber at [pamela.mw@pmpbiz.com](mailto:pamela.mw@pmpbiz.com)

Describe proposed changes (attach additional sheets if needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Obtain signatures of property owners who will be most affected by the change: (Minimum of 2)

Name	Address	<b>I acknowledge that I have been advised of this change - Signature</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Estimated Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
 (Allow 60 days for ACC approval prior to start date)

1. I agree that compliance with Preserve at Rock Creek Community Association Architectural Guidelines and approval by the ACC does not constitute compliance with county building and zoning codes, and ACC approval shall not be construed as a waiver or modification of any code restriction.
2. I agree that no changes will be started until written approval of the ACC has been received by me, and this if changes are made, I will be required to return the property to its former condition at my own expense.
3. I agree that members of the ACC shall be permitted to enter upon my property if requested for the purpose of inspection of the proposed change, the project progress, and the completed project.
4. I agree that the authority granted to make the proposed changes will be revoked automatically if the changes requested have not commenced within six (6) months of the approval date and completed within six (6) months thereafter.

HOMEOWNER'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_