

PRESERVE AT CLARKSVILLE ARCHITECTURAL GUIDELINES

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EXHIBIT A – EXTERIOR ALTERATION APPLICATION

INTRODUCTION

To ensure that your community will always be an attractive and desirable place in which to live, architectural standards must be maintained. These standards are generally outlined in the Declaration of Covenants, Conditions and Restrictions, and Grant of Easements of the Preserve at Clarksville Homeowners Association, Inc. (“DCCR”), a copy of which should have been provided to each Homeowner upon purchase of their property in the Association. The DCCR, Bylaws, Articles of Incorporation, and the Rules, Regulations and Architectural Guidelines are collectively referred to herein as “Governing Documents.”

Applying architectural standards benefits all residents and all residents share the responsibility to comply with, support, and contribute to them. These Rules, Regulations and Architectural Guidelines (“Guidelines”) are not intended to constrain the pride individual Homeowners have in their property, nor are they meant to unnecessarily restrict creative efforts to enhance the appearance of that property. The purpose of the Guidelines is to protect each Homeowner’s investment and ensure that all members of our community can take pride in living in our community.

These Guidelines are a guidance document to be used as a *supplement* to the DCCR, Bylaws, and Articles of Incorporation. The purpose of the Guidelines is twofold. First, it presents the rules and regulations in an easy to understand format. Second, it provides specific guidance concerning processes and restrictions that may only be generally expressed in the DCCR, Bylaws, and Articles of Incorporation.

It is recommended that every Homeowner read the Governing Documents for a full understanding of the rules, processes, and restrictions that apply to our community. As with the other Association documents, this document is intended to be a part of each Homeowner’s permanent records.

We look forward to working with residents to keep an attractive community.

Sincerely,

The Preserve Board of Directors and Architectural Committee

ARCHITECTURAL CHANGE REQUEST REVIEW PROCESS

Application. Prior to beginning ANY exterior change or construction, including, but not limited to, changes in colors, each Homeowner if so required by the Governing Documents, shall submit an Application for the addition, alteration, or improvement to his/her lot in writing to the Board of Directors (the “BOD”) or the Architectural Committee (the “AC”) using the approved Exterior Alteration Application (copy attached as Exhibit A). For the purposes of these Guidelines, the AC will be presumed to be the reviewing body although the Board of Directors may also act as such. The Application must be complete for consideration by the AC. Incomplete Applications will be returned to the Homeowner for the required information. The AC has 60 days to review a complete Application. If an Application is returned to the Homeowner for any reason, the 60 day review period will begin upon the receipt of the revised Application. Oral requests will not be considered and may not be relied upon by any Homeowner. **We encourage Homeowners to submit their Application prior to signing a contract.**

Neighbor Notification. The AC requires the signature of adjoining neighbors and/or those who have a view of the Applicant’s property, on the Application. Neighbors and other community members are encouraged to provide their candid opinions concerning any proposed architectural changes in writing to the AC through the HOA’s management company. To ensure that any opinion concerning a proposed architectural change is considered by the AC during the Application review, neighbors should provide their opinions as soon as they are notified of the proposed change. Neighbor agreement to a proposed architectural change request does not preclude the AC from approving the request. The AC views neighbor and other Homeowner’s input as one of the many factors for consideration in reviewing architectural change requests.

Voting. A request is approved or denied by majority vote of those present. Decisions of the AC generally are based upon the DCCR and these Guidelines. For unusual circumstances, or for other good cause, exceptions to the Guidelines may be made without creating precedence.

Homeowner Notification. The HOA’s management company (or other AC designate) will notify the Homeowner in writing as to the decision of their request. This written reply will consist of a copy of the Application bearing approval or disapproval, along with an explanation of any restrictions or contingencies, or an explanation as to why the request was denied.

Approved Architectural Change Requirements. If a request is approved, the Homeowner may begin to implement the change. The change must begin within 6 months and be completed within 12 months of the approval date. If the project is not begun or completed as specified, the approval is considered lapsed and the Homeowner must reapply for the change.

Approval of any change is not to be construed as approval of the structural integrity of the alteration or addition, nor does it relieve the Homeowner from acquiring the necessary permits and approvals from the County or State agencies.

No alterations or additions shall be made which can change the drainage patterns or cause runoff onto common areas, adjacent lots, or streets. Homeowners are responsible for any drainage or runoff damage caused by an architectural change.

Reconsideration/Appeal. The decisions of the AC are considered final. However, any decisions made by the AC may be reconsidered by the AC or appealed to the BOD. The Homeowner may resubmit their request to the AC with **new relevant information** for consideration; or, the Homeowner may appeal the AC's decision to the BOD in writing, via the HOA's management company, within 15 days of the date on the notification letter of the AC's decision. Any appeal to the BOD must provide information to the BOD as to how the Application for an architectural change was not reviewed in accordance with the DCCR and these Guidelines. A hearing will be scheduled only if specifically requested by the Homeowner or Board. Otherwise the Board will communicate its decision in writing. Neighbors and other community members who have registered a complaint concerning an Application may be notified of the request for reconsideration and/or invited to the appeal hearing. In accordance with the DCCR, two-thirds of the BOD is required to overturn or modify an AC decision (in whole or in part), but a simple majority is needed to affirm.

Unapproved Changes. Homeowners will receive written notification of a violation if the Homeowner implemented an architectural change prior to obtaining permission from the AC, or has repeatedly violated the Governing Documents. This letter will state the violation, and, if applicable, provide a date by which the Homeowner must either: (1) bring their property back into compliance (i.e., original condition); or (2) apply for the change. If, after review of the Application the AC denies the change, the Homeowner must bring the property into compliance in accordance with the Governing Documents, unless the Homeowner: (1) appeals the AC's decision to the BOD, or (2) request that the AC reconsider its decision on the Application as set forth above. Under the circumstances, a Homeowner can request reconsideration only once per application. Homeowners who have corrected a violation and brought their property into compliance must provide written notification of the correction to the AC.

Grandfather Waiver Clause. There may be some alterations in existence that do not comply with these Guidelines, but which were previously applied for and approved or with respect to which enforcement action is inappropriate in the opinion of the BOD. In these cases, the BOD reserves the right to grant a temporary Grandfather Waiver for the alteration. This waiver shall generally last no longer in the current life of the alteration, and shall not extend to replacement of the alteration. This Grandfather Waiver does not include exterior alterations not approved through the requisite Application process. In addition, any architectural change applied for and approved prior to the publication of this document that does not meet requirements of these Guidelines must be maintained as approved.

ENFORCEMENT

It is the sincere hope and expectation of the HOA that members of the community abiding willingly to these Guidelines as a demonstration of mutual respect for their neighbors and the community as a whole. However, in the event that a Homeowner does not abide by these Guidelines, the HOA is empowered by the Governing Documents to utilize numerous methods, including, but not limited to, legal action, to enforce these Guidelines. If a Homeowner is found in violation of these guidelines the following process will be followed:

1. The Homeowner will be sent a letter from the HOA's management company (or AC designee) describing the violation and requesting that the Homeowner bring their property into compliance within 30 days of the letter.
2. If, after 30 days, the Homeowner has not brought their property into compliance, nor provide a reasonable explanation for the delay in bringing their property into compliance, the HOA's management company shall provide the Homeowner (and, if known, other adult person(s) responsible for the violation) with a second letter, sent certified mail, with the following information:
 - a. Identification of the violation
 - b. Enforcement options open to the BOD
 - c. Opportunity for hearing if requested within five days of the date of the notice. If a hearing has been requested, a hearing date shall be scheduled and notice sent to Owner and any other parties.
 - d. Opportunity to acknowledge violation within five days of the date of notice and correct the violation.
3. If the Homeowner's property is not brought into compliance by the specified date, the BOD shall (after a hearing if requested by the Homeowner as set forth above) review the violation and determine the enforcement options. Enforcement options open to the BOD include, but are not limited to:
 - a. Fine and/or liens on property
 - b. Removing or correcting the violation, of which the homeowner shall be responsible for all costs
 - c. Arbitration and legal enforcement

If the court or arbiter rules in favor of the HOA, the Homeowner is legally obligated to pay the HOA for all legal and any additional enforcement related costs.

The HOA reserves the right to inspect Homeowner property for compliance with the Governing Documents. The HOA has the right, upon resolution of the BOD to enter upon the Homeowner's property and take steps to remove or abate the violation. Any costs incurred by the HOA for bringing a property into compliance may be assessed against the owner of the property, and a statement of the amount shall be rendered to the Homeowner. The assessment is due upon receipt. This assessment becomes a lien on the lot until removed by payment. Alternately or simultaneously, the BOD may turn the matter over to legal counsel for resolution.

ARCHITECTURAL GUIDELINES

Below are the guidelines for community. It is impossible to draft Guidelines that cover all possible exterior changes. The AC will review, on a case-by-case basis, change requests that are not covered by the Guidelines. Emphasis will be placed on proper scale, materials, and impact on neighboring properties. The AC may exempt a homeowner from these guidelines for unusual circumstances without creating precedence for the community at-large.

Please keep in mind that these guidelines are a supplement to the DCCR, and are intended to add clarification to the DCCR. If the restriction speaks for itself as written in the DCCR, it might not be reiterated here.

Homeowners are responsible for obtaining all required governmental permits prior to implementing a change.

Additions/Alterations (Major)

Additions/alterations may include any room additions or extensions, garages, sunrooms, porches, etc. Additions shall be planned and design with the same care and consideration as an initial house construction.

The additions/alteration shall be visually integrated with the existing house through the consistent and complementary use of architectural elements, materials, colors and other details. The design must be compatible with the existing house style, character, scale, materials and colors.

- The size and location of the addition should be appropriate in relation to the existing house space available on the property.
- The addition should minimize any tree removal.
- The design and location should consider any adverse impact on neighboring properties that may result through the elimination of privacy or the removal of existing views.
- Changes in grade for drainage patterns must not adversely affect adjacent properties.
- The design of the addition should repeat significant architectural elements of the existing house such as rooflines, windows, trim details, materials and colors.
- The new roof pitch should, if possible, match that of the existing roof pitch.
- New windows and doors should be the same type, material and color as those of the existing house.
- Supplemental landscaping may be required to compensate for the removal of significant vegetation.

Air Conditioners

- Window air-conditioning units are strictly prohibited.

Aerials, Antennae and Satellite Dishes

- Every effort should be made to locate the antenna so that it is not seen from the street, and, if on the ground, installed as close to the home as possible. Landscaping screening may be required.
- Antennae shall be in the standard manufacturer color, such as gray, brown, and off-white.

Art Work

- Art work includes but is not limited to fountains, sculpture/statuary, etc. When considering the type and location of art, the size of the property in proximity to adjacent residences are important factors.
- In general, art work shall not be intrusive and must be appropriate to its surroundings. If visible from neighboring properties, art work may be required to be screened by natural vegetation and/or landscaping.

Color Changes

- Color and material changes shall be appropriate in appearance in quality to the style and design of the house. Exterior colors should be selected to enhance the appearance of the house as well as its relationship with surrounding properties and the natural environment.

Compost Bins

- Compost bins must be located in the rear yard and if visible from adjoining properties, screened by fencing or landscaping.
- Compost bins must be regularly maintained so that they do not create a visual or environmental nuisance.

Decks

- Decks and deck stairs must be in the rear of the house and may not protrude past the sides of the home. A waiver of this requirement may be granted if extenuating circumstances are deemed by the AC to exist, such as a berm area, swale, woodlands, steep topography, etc.
- A ground level deck that is less than 12 inches in elevation does not require handrails. All other decks require handrails. Only vertical pickets will be approved for handrails.
- Materials allowed are pressure treated wood, vinyl, and Trex or similar synthetic material. If Trex or a similar synthetic material is used, a sample of the color must be provided. Decks may be stained and/or sealed in colors that are compatible with the existing trim of the dwelling unit. Deck flooring maybe a different color from the railing/pickets. A sample of the stain color should be included with the application.
- Any lattice, sun shields, privacy screening, benches, and other decorative items must be outlined in the application and will be reviewed on a case-by-case basis.

Dog Houses

- The dog house must be located in the rear yard and should be no larger than 12 square feet.

- Generally no more than one dog house will be permitted on anyone property.
- Dog houses must be sturdily constructed of durable materials and be finished in a color that blends with its immediate surroundings or be left to weather naturally.
- The dog house must be in a location to least impact neighbors and surrounding community.
- Invisible pet fences must be installed on or within the property line, and may not encroach on common property.

Doors

- Doors shall be compatible in style with the architecture of the house.
- Doors and door frames should be clad or painted with the color consistent with other doors, windows and house colors.
- Wood doors must be protected with stain or paint to prevent an uneven appearance.
- Storm/screen doors must not distract from or alter the appearance of the house.

Driveways and Driveway Aprons

- An approved Application is required for driveway extension, widening or rerouting.
- Driveway and driveway aprons may not be changed from original material used by Builder.

Fences

- An approved Application is required for fences.
- No fence shall be erected or maintained on any Lot, other than around a swimming pool or tennis court and must be located to the rear of the Lot.
- No fence or wall shall: (i) exceed 42 inches in height unless it fully or partially encloses any in ground swimming pool, tennis court, patio or open garden court, or is a retaining wall required by the topography of such Lot.
- Homeowners are required to use the same type of fence used by the adjoining neighbor. Fencing on shared property lines shall not be “doubled” to create a fence-to-fence situation. If an existing fence is bordering a proposed fence installation, the new fence should simply meet the existing fence, and not construct an additional fence on the same property line.
- Homeowner shall have the sole responsibility for compliance with all county or other governing authority code or regulations.
- Fencing shall be constructed on the property lines, and enclose the entire yard. A waiver of this requirement may be granted if the AC believes that extenuating circumstances exist such as a prohibitive easement, swale, woodlands, etc.
- No fencing or gates shall be permitted in the front yard of any Lot, unless approved by the AC or Board.
- Stockade, chain link or any type of wire fencing is strictly prohibited.
- Fencing must not interfere with the flow of drainage in swales or within surface drainage easements. A Homeowner who installs a fence within an easement area does so at their own risk and the HOA assumes no liability.

Firewood

- Firewood may be stored outside if stacked neatly on a platform directly behind the house. Firewood may not be stacked in the front or side of the house.

Garages

- Detached garages are prohibited.
- Garage doors shall remain closed when the garage is not in use.
- Garage additions/alterations shall be visually integrated with the existing house through the consistent use of architectural elements, materials, colors and other details.

Grills and Fireplaces

- An approved Application is required for all permanent grills or fireplaces.
- Permanent grills or fireplaces should not be visible from the street.
- Temporary (moveable) grills must be stored behind the house or in the dwelling when not in use.

Hot Tubs/Spas

- An approved Application is required for an outside hot tub or spa. The Application shall include the following information:
 1. A site plan showing the location of the hot tub or spa and its relationship to existing structures, drainage, and property lines. Adequate drainage must be carefully evaluated for site selection approval.
 2. Dimensions, type and color of proposed materials.
 3. Proposed screening and landscaping plan.
- Hot tubs and spas shall be located only in the rear yard behind the house and within 20 feet of the dwelling.
- Hot tubs and spas shall be of a material that will blend with surrounding structures.
- A childproof cover is required.

Irrigation Systems

- Irrigation systems may not be installed in any easement areas.

Landscaping and Lawns

- Lawns should be mowed regularly and treated for weeds.
- An approved Application is required for hardscaping, brickwork, stone work, structures, etc.
- An Application is not required for planting shrubs, trees, lawn, flowers (including freestanding flowerpots). The exception to this is the planting of hedges or rows of plants used as a blockade or screen, which requires an approved Application.
- Privacy screening/vegetation is required for pools, sports courts, pavilions, and other entertainment areas, specifically for screening exposed mechanical equipment, pipes and wiring.

- No tree, hedge, or landscape feature can be placed in a location where it will obstruct sightlines for traffic on community streets, neither at the time of planting nor as the plants grow.
- No planting or structure may interfere with any easement for the installation or maintenance of utilities, or which may unreasonably change, obstruct, or retard the direction or flow of any drainage channel.
- No wire or other lawn edging shall be placed or maintained on any lot which would impede the HOA's ability to perform its obligations as set forth in the DCCR, or which would be inharmonious with the aesthetics of the community. For the purposes of the immediately preceding sentence, wire lawn edging shall be deemed inharmonious.

Lighting

- All fixtures on a Homeowner's property must be of similar color and style.
- Lamppost must have a single fixture and be no larger than 7 feet in height.
- All exterior lighting (including outdoor entertainment areas, sports and tennis courts) will be installed so as not to shine on adjacent property or public space and will be based on approval by the AC/Board.
- Lights should be a soft white color. LED lights should be warm white.
- Driveway pier/column lights should not exceed 42 inches in height unless approved by the AC.

Recycling/Trash Bins

- Keep bins out of sight on non-collection days.
- Bungee cords are recommended to keep trash contained

Retaining Walls

- Walls should be as unobtrusive as possible and built to the minimum height needed.
- Walls should be made of durable materials that are compatible in color and appearance with their environment.

Sheds

- No sheds allowed on properties.

Signs

- Signs should be selected, designed and located so as to provide effective communication while minimizing the visual impact on neighboring properties in the neighborhood.
- Advertising or display signs are not allowed.
- "For Rent", "For Sale", "Private Drive" and customary security warnings are allowed, but must be discreet and/or no larger than 8 by 8 inches in size.
- Political yard signs are allowed, but must be within 18 by 24 inches in size.

Solar Panels

- Solar panels may not be placed on the front roof of the house unless approved by the AC.

Sports Courts/Tennis Courts

- Will be reviewed on a case-by-case basis.
- Must provide landscaped privacy screening.
- Lighting will be subject to approval by the AC. Lighting must be discreet and should not shine on adjacent property.

Swimming Pools

- An approved Application is required for in-ground swimming pools. The application shall include the following information:
 1. A site plan showing the location of the swimming pool, its relationship to existing structures, drainage, and property lines.
 2. Dimensions, type and color of propose materials.
 3. Proposed natural screening and landscaping plan.
 4. Proposed fencing.
- Related mechanical and electrical equipment should be located/screened so as to minimize their visual and acoustical impact on neighboring properties.
- Above ground swimming pools are prohibited.

Vegetable Gardens

- Vegetable gardens must be placed in the rear yard and be inconspicuous from the street.

Water Features

- An approved Application is required for all decorative water features (example: lily ponds, water gardens, etc.).
- Water features, with the exception of decorative fountains, must be installed in the rear yard.

EXHIBIT A: EXTERIOR ALTERATION APPLICATION

Please deliver to: preserveac@gmail.com

CAUTION: EXTERIOR ALTERATIONS BEGUN WITHOUT PRIOR APPROVAL OF THE ARCHITECTURAL COMMITTEE ARE IN VIOLATION OF THE COVENANTS AND AT THE APPLICANT'S OWN RISK. YOU MAY OBTAIN A COPY OF THE COVENANTS BY CONTACTING THE ARCHITECTURAL COMMITTEE DIRECTLY.

DATE	
NAME	
ADDRESS or LOT NUMBER	
PHONE	
E-MAIL	

I have reviewed the relevant section(s) of the covenants and have completed this application in good faith, and it accurately represents the exterior alteration I propose to make. I understand that any approval is contingent upon work being completed in a workmanlike manner within **six months** of beginning construction.

Owner's signature _____

Date _____

DESCRIPTION OF PROPOSED CHANGES:

(If more space is needed, use an additional page)

1. INSTRUCTIONS TO THE APPLICATION:
 - o The following items **MUST** be attached with your application:
 - o SITE PLAN – plat plan showing lot boundaries, present structures, and proposed exterior alterations including distance to property lines from proposed alteration drawn on plat
 - o SCALE DRAWINGS – of proposed alterations/additions, including all dimensions and elevations of all views. If drawings are larger than 11" X 17", submit in duplicate.
 - o COLOR/MATERIAL SAMPLES – paint chip, roof shingle, brochures and/or photos of materials.
 - o LIGHTING AND/OR LANDSCAPING DESIGN – if appropriate.

2. Any approval is contingent upon work being completed in a workmanlike manner and in EXACT compliance with all terms and conditions of the approval unless an amendment is requested by the applicant and approved by the Architectural Committee.

3. Work must be completed within **six months** of the beginning of construction.

ACKNOWLEDGEMENT OF ADJACENT PROPERTY OWNERS

NAME	
ADDRESS or LOT NUMBER	
SIGNATURE	

NAME	
ADDRESS or LOT NUMBER	
SIGNATURE	

NOTE: YOUR SIGNATURE INDICATES AWARENESS OF INTENT, NOT APPROVAL OR DISAPPROVAL. IF YOU SHOULD HAVE ANY QUESTIONS CONCERNING THIS APPLICATION, PLEASE CONTACT THE ARCHITECTURAL COMMITTEE.

FOR ARCHITECTURAL COMMITTEE USE ONLY

Approval of this application does not relieve you of your responsibility to comply with any provisions of the Howard County building and zoning codes, and Maryland state laws. For more information, contact the Department of Inspections, Licenses, and Permits at 410-313-2455.

	APPROVED	NOTES:
	APPROVED WITH THE FOLLOWING PROVISIONS	NOTES:
	NOT APPROVED	NOTES:

ARCHITECTURAL COMMITTEE FINAL ACTION:

Signature

Date