

Dear Avenel Homeowner:

Please find enclosed the Architectural Guidelines and Architectural Review Process ("Guidelines"). This updates previous versions of the Guidelines that have been deposited in the Montgomery County Homeowners Association Depository and have been in place and applicable to new construction and modifications to homes in the community.

The Guidelines were originally adopted to implement architectural control requirements outlined in the recorded Declaration of Covenants, Conditions and Restrictions and Declaration of Protective Land Use Standards (together "Governing Documents") governing the community. Such Guidelines are reviewed periodically by the Modifications Committee ("Committee"), Management, and the Board of Directors. They can be supplemented and amended from time to time to reflect current architectural and community trends. The Committee relies on these Guidelines, as well as the Governing Documents in reviewing both modification and new home applications and the Guidelines are intended to assist you with such applications.

The primary purposes of the Guidelines are to serve as an adjunct to the Governing Documents in preserving the unique qualities of Avenel, and ultimately retaining the design and architectural integrity of the lots and the community and to provide a procedure to be used.

The Guidelines are intended to simplify the application and review procedure by providing all Avenel owners with design criteria as well as standard procedures for the submission and review of architectural and landscaping modification requests. The Guidelines apply to all modifications that range from minor items such as adding an exterior light fixture to major items such as installing a swimming pool or home addition. The Guidelines attempt to address the most commonly requested modifications. However, some modification requests may not be specifically detailed in the Guidelines and review of the same by the Modifications Committee will follow the general concepts outlined in the Guidelines. Additionally, as the Community is substantially complete, the procedure outlined in the Guidelines will also govern new home construction as the New Construction Committee has been merged into the Modifications Committee.

Please be reminded that all exterior modifications, whether or not specifically mentioned in these Guidelines, must comply with the application procedures outlined in the Guidelines and must be approved by the Modifications Committee before any work proceeds.

The Guidelines are part of the public records of Montgomery County, Homeowner Association Depository, and File Case # 63X.

We hope that you will find these Guidelines helpful and informative. Should you have any questions, please contact the ACA staff at 301-299-5916.

Sincerely,

AVENEL COMMUNITY ASSOCIATION, INC.

The material contained in this manual is for the exclusive use of the Avenel Community Association, Inc. and Avenel residents within the community of Avenel in Potomac and Bethesda, Maryland. Any application or use of this material for purposes or by any person or development outside of Avenel is prohibited without the prior written consent of the Avenel Community Association, Inc.

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9501 Beman Woods Way  
Potomac, Maryland 20854  
(301) 299-5916

**ARCHITECTURAL GUIDELINES**  
**AND**  
**ARCHITECTURAL REVIEW PROCESS**

User's Reference Manual  
Effective October 1993

**Last Updated: April 2024**

# ARCHITECTURAL GUIDELINES & ARCHITECTURAL REVIEW PROCESS

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## I. INTRODUCTION

The initial development of a lot, construction of a new home and any other improvements undertaken at the time of new construction must first be reviewed and approved in writing by the Modifications Committee. After the initial approval of new construction, any future changes proposed to the exterior of the home or property will require a modification application and prior approval of the Modifications Committee. Additionally, any changes to an approved modification application shall be resubmitted to the Modifications Committee for approval.

The Board of Directors and The Modifications Committee of the Avenel Community Association, Inc. (ACA) are pleased to provide you with this Architectural Guidelines Manual for your use in preparing an application for architectural review by the Modifications Committee. The manual answers commonly asked questions such as:

- How and where do I submit an application to the Modifications Committee?
- What detailed information should I include on the application and the accompanying plans?
- What items will the Modifications Committee consider in determining whether my plans are acceptable?
- Do I need input from or prior approval from my neighbors, or make them aware of proposed changes?
- How does the Modifications Committee operate?

The purpose of this manual is to serve as an adjunct to the Declaration of Covenants, Conditions and Restrictions (“Covenants”) and the Declaration of Protective Land Use Standards (the “Declaration”) (together as amended, “Governing Documents”), found in your homeowner’s manual and recorded against your property, and to implement the Modification Standards and Application Review Procedures as contemplated and authorized in Article XI of the Covenants. This manual is intended to provide you with the information you need to understand the architectural review procedure and the standards applicable to modifications to your property.

Each application is considered on a case-by-case basis because circumstances vary greatly for different lots. While approval of modifications by neighbors in general is not a requirement, as a courtesy, the ACA highly encourages that the applicant inform neighbors of any pending major modifications and advise them that plans are open for review at the ACA office. In some instances, the Modifications Committee, at its sole discretion and on a case-by-case basis may require that neighbors be provided notice of the requested or pending modification. While a neighbor’s comments are not binding on decisions of the Modifications Committee, written comments or other information provided to the Modifications Committee, will be taken into consideration.

Ultimately, the goal of the architectural review standards and procedures is to assure quality design and construction while preserving and enhancing the characteristics of the community and its individual villages and maintaining the uniform high aesthetic standards that make Avenel a desirable place to live and ultimately preserve and enhances property values in the community.

The Board of Directors of the ACA welcomes any comments or suggestions you may have regarding this manual.

## II. DESIGN CRITERIA

### General Principles:

The Modifications Committee is responsible for applying certain standards in making decisions regarding architectural improvements at Avenel. The standards are generally defined under “Use Restrictions” in the Declaration of Covenants, Conditions and Restrictions and the Declaration of Protective Land Use Standards (collectively, as amended from time to time, the “Declaration”) and underlie the specific guidelines contained in the following sections of this manual.

The guiding principles which direct the Modifications Committee in making its decisions include, but are not limited to:

- Protecting owners against improper use of surrounding lots that might depreciate the value of their lots
- Guarding against the erection of poorly designed or proportioned structures or the use of unsuitable materials
- Assuring that a percentage of lot “green space” is maintained and that improvements are in proportion to lot size
- Promoting harmonious color schemes
- Preventing haphazard and inharmonious improvement of lots
- Assuring that designs, colors, and materials are consistent and/or compatible with the original theme of each individual village and are harmonious with neighboring properties
- Compliance with the Declaration, including, without limitation, prohibiting the transfer or conveyance of any portion of any lot other than the entire lot and prohibiting the leasing or rental of any portion of any lot or dwelling unit constructed on the lot, thereby prohibiting any accessory dwelling units or accessory apartments (each an “ADU” defined herein as a second dwelling unit created on a lot, which is subordinate to the primary dwelling unit on the lot)
- Prohibiting any transient leasing or rental of any lot, dwelling unit or portion of any dwelling unit in compliance with the Declaration, thereby prohibiting the use of rental platforms such as, but not limited to Airbnb, VRBO, or other similar services

In all cases, the Modifications Committee is concerned with the impact and aesthetic appearance from neighboring lots, streets, common areas, and the golf course, and the compliance of modifications with the Declaration. Furthermore, the Modifications Committee is mindful of any improvements that create a precedent in the community.

Approvals granted by the Modifications Committee are done so on a case-by-case basis. The Committee’s goal is to preserve Avenel’s traditional quality by maintaining continuity and the community-wide high aesthetic standards.



Approvals in no way indicate that the Modifications Committee has made engineering reviews or conducted physical surveys relative to the proposed change. Owners shall remain responsible for any structural soundness or impact of the planned improvements and shall be responsible for the proper location of the improvements consistent with the Guidelines and Governing Documents.

The Modifications Committee may deny applications that are not in keeping with these general principles and guidelines.

### **III. GUIDELINES FOR CERTAIN ASPECTS OF USE RESTRICTIONS AND MODIFICATIONS TO HOMES AT AVENEL**

#### All-Inclusive Submission Facilitates Review & Approval:

The Modifications Committee receives daily requests for architectural items to review and process. In order to facilitate the process, and in order to provide a timely and thorough response to requests for architectural additions or modifications, the Modifications Committee urges owners to submit items for review in an all-inclusive manner. Rather than submitting plans on an item-by-item basis as you progress through the improvements you plan to make to your home or lot, we request that, whenever possible, you devise your entire plan from the outset. The forethought will benefit you by saving time (and possibly money) in the early stages, and it will assist the Modifications Committee by providing the entire picture of the changes you desire to implement.

As an example, when you submit a pool plan, the Modifications Committee also requires that you provide the accompanying deck or patio plan, an exterior lighting plan with types of blubs to be used, including wattage, a complete landscape plan, with location and type of plant materials to be used, and the fencing plan and its specifications. Please note that if you have considered landscaping needs in connection with the planned improvement for your home and feel that no additional plantings are required, please indicate as such on your application.

Applications for modifications should be mailed to or dropped off to the:

Avenel Community Association  
9501 Beman Woods Way  
Potomac, Maryland 20854

#### Application Fees:

Article XI, Sections 1 and 2 of the Covenants provide that all reasonable costs incurred by the Modifications Committee in reviewing and approving new construction and proposed modifications shall be the responsibility of the applicant and, unless waived, that a fee of \$150 or such other amount determined by the Committee shall be charged. The Modifications Committee, as approved by the Board of Directors, has adopted a policy waiving the application fee for routine modifications but has determined that an application fee is deemed necessary and appropriate for "Major Additions" in light of the complexity of the review process and the costs that may be incurred by the Committee in order to complete the review process. Such application fee may be modified from time to time as a result of escalation in costs for services. The current application fee for Major Additions shall be as provided in the Schedule of Fees adopted from time to time by the Board of Directors and shall be submitted at the time of the submission of the application. "Major Additions" include but are not limited to the following: home additions, garages, porches, sunrooms and such other large projects where full architectural drawings are necessary for review and/or the complexity requires the Modifications Committee to seek outside consultation from architects, engineers or other similar consultants.

The Modifications Committee may, in its discretion, determine that a project falls within the definition of a Major Addition. New Home Construction shall always be considered a Major Addition and the application fee for new construction shall be greater than that applicable to modifications that are deemed Major Additions and such application fee shall be as provided in the current Schedule of Fees adopted by the Board of Directors. As the application fees for Major Additions, including new construction, are intended to cover the Committee's costs of review,

any unused portion of the application fee may be returned to the applicant after final and satisfactory completion of the project.

#### Additional Costs Associated with Modifications and New Construction

Depending on the complexity of the proposed modification, the Modifications Committee may determine that additional fees may be charged to the applicant to cover the costs incurred by the Association for the review, which costs may include but may not necessarily be limited to the administrative costs, costs of outside architects, engineers, or other consultants that may be deemed necessary by the Committee. As with any of the application fees, any unused portion of such additional costs collected may be returned to the applicant.

Additionally, all New Construction of homes and other Major Additions shall require a deposit to the Association to assure compliance with the Governing Documents and the Guidelines and to cover the costs of any damages caused by the construction activities to Association common area property and facilities. Such deposit amounts due shall be as provided in the Schedule of Fees adopted by the Board of Directors from time to time. Such deposited funds may be used by the ACA to repair damages caused by the construction activities or to obtain compliance with the Governing Documents and Guidelines after written notice is provided to the applicant. As with the other fees charged, any unused portion of such deposits may be returned to the applicant upon the satisfactory completion of the project.

The following “Considerations, Specifications and Guidelines” will assist you in making an all-inclusive submittal. By following these Guidelines, you should find that the procedure for submitting applications for review to the Modifications Committee is a very straightforward, simple process. The ACA has attempted to include the most common modifications in this manual, although there may be some exterior changes desired by owners which have not been included. This does not preclude the necessity to apply for approval on such a modification. For further information in this regard, please contact the ACA office at 301-299-5916.

#### **IV. IMPORTANT REMINDERS**

##### Limitations of Modifications Committee and Responsibilities of Applicant:

The Modifications Committee reviews applications for aesthetic qualities only to consider whether the proposed lot improvement or modification will be visually pleasing and will conceptually fit into the overall ambiance and character of the site and the village theme and compliance with the Declaration and these Architectural Guidelines. The Modifications Committee does not inspect nor is it responsible for the following:

1. Structural integrity of any proposed construction
2. Changes to existing elevation/grading or drainage resulting from the construction
3. Location of property lines and ensuring that the construction is solely within the applicant's property
4. Compliance with applicable set back requirements
5. Compliance with applicable permit and code requirements as related to the construction and/or the materials used in the construction.

The Modifications Committee may require the applicant to provide a professional survey, plans and specifications from a professional architect or engineer and evidence of permit or code compliance. However, the applicant shall remain responsible for any deviation of the improvements or modifications from code requirements and industry standards and shall remain responsible for any damages to the common area or other owners' property resulting from the construction of the improvements or modifications. The ACA may deduct funds from the deposit submitted by the applicants to cover the cost of repairing damages caused by the construction activities or obtaining compliance with the Guidelines. All applicants must comply with applicable ACA and Montgomery County set back requirements. The Modifications Committee shall not be responsible for making any determination as to the compliance of the improvements or modifications with these requirements.

Notwithstanding the above, notice is hereby given to all owners that there are various code and industry standards applicable to proposed improvements and modifications that may be made within the ACA. Owners seeking to implement improvements and modifications are urged to consult with applicable governmental officials, their own architects, engineers, attorneys and other consultants to ensure compliance with all such applicable requirements. The Owner shall at all times be responsible for the maintenance of improvements and assumes all liability for any damage to the ACA or other owners property that may occur due to modifications made.

##### County Approvals:

Many exterior projects require a review and permit from Montgomery County in addition to Modifications Committee approval. The property owner is responsible for all such County approvals. Montgomery County authorities should be contacted before commencement of work to be sure that any and all required permits have been obtained and that any applicable county codes are followed. County approval does not preclude the need for Modifications Committee approval, nor does Modifications Committee approval relieve the applicant of the responsibility to obtain county permits. In some cases, Montgomery County may require written confirmation of the Modifications Committee approval before issuing a permit.

When considering submitting a modification application, do not rely on a modification your neighbors may have done to their property. Each application is processed individually considering the conditions applicable to the specific lot and home, and each owner is responsible for obtaining approval from the Modifications Committee and applicable governmental agencies.

Modifications by Prior Owners:

Purchasers of a resale property are occasionally notified that they are in violation of the Governing Documents and/or these Architectural Guidelines because of an existing unapproved architectural modification on their property. Current owners are responsible for any existing violations and for providing purchasers with a statement as to whether they “have actual knowledge of any pending claims, covenant violations actions, or notices of default against the lot.” (Refer to Section 11B-105 of the Maryland Homeowners Association Act, Section 11B-101, *et seq*, Real Property Article Annotated Code of Maryland, as the same may be amended from time to time, hereafter “HOA Act”).

In accordance with the HOA Act, a selling owner is required to disclose covenant violations that exist on the property to a potential purchaser. Upon request by the selling owner or their representative, the ACA may make a visual inspection of a property, and issue a statement as to whether any violations were observed during the visual inspection and whether the ACA is aware of any pending violations that a selling owner should disclose to a potential purchaser in accordance with such owner’s obligations under the HOA Act. Notwithstanding the issuance of such statement by the ACA, if a condition is found to be a violation of the Governing Documents or the Guidelines after the new owner has taken possession of the property, the new owner remains responsible for that covenant violation, whether or not it was existing prior to the sale of the property and whether or not it was noted in the ACA’s statement. The obligation to disclose such violations remains the responsibility of the selling owner.

Should a subsequent owner find that there is a violation on a property, such owner should remove or correct the violation or, alternatively, if the previous owner did not seek approval, the subsequent owner should submit an application explaining the matter and requesting approval. Purchasers of resale homes are urged to review the Governing Documents and these Architectural Guidelines, and to require the selling owner to provide the ACA’s resale certificate. This certificate shall include a statement as to any known and observed violations or conditions that do not meet the community-wide high aesthetic standards of the Governing Documents or these Guidelines and outstanding unpaid fees due the ACA, and to also inspect the property prior to purchase.

## **V. CONSIDERATIONS, SPECIFICATIONS, AND APPLICATION GUIDELINES**

### General Specifications:

Modifications can have a significant impact both on the appearance of your home and on neighboring properties. The Modifications Committee will carefully consider this impact when making decisions regarding proposed modifications.

The design of all modifications must be compatible in scale, character, material, and color with your home's original design and that of the village in which it is located. The location of the modification should be planned to minimize the effect on neighboring properties and streetscape as it relates to their privacy, views, and peaceful enjoyment.

As residential architecture and design evolve, modifications will be considered carefully on a case-by-case basis. A seamless transition should be achieved through design, balance, proportion, and the use of quality materials and construction in a manner that harmoniously blends with the theme and design of the original home and neighboring properties.

Additions should also be located so as to minimize the removal of trees and the impact on existing landscaping or other vegetation (Please refer to the Landscape - Tree Removal Specifications).

The Modifications Committee will likely require that additional landscape screening be planted to visually soften the view of your modification from neighbors, the street, and/or the golf course.

Screening of utilities, HVAC units, electrical boxes, generators, pool equipment, etc., should be achieved with natural evergreen landscape to provide year-round coverage. To maintain consistency throughout the community, wood, lattice screens, or other similar enclosures are generally not permitted as a means of screening unless, in most cases, also accompanied by landscape screening and approved by the Modifications Committee.

Approvals granted by the Modifications Committee are done so on a case-by-case basis. The Committee's goal is to preserve Avenel's traditional quality by maintaining continuity within each village and seeking quality architecture, design, construction, and materials in order to meet the community-wide high quality standards and aesthetic appeal. Approvals in no way indicate that the Modifications Committee has made engineering reviews or conducted physical surveys relative to the proposed change.

The applicant acknowledges sole responsibility to ensure that changes do not adversely impact drainage or other environmental or topographic conditions, that all changes are located on the applicant's lot and within the required setbacks, and that all permits are obtained and in compliance with Montgomery County and Maryland State Laws. (If there is uncertainty relative to lot lines, obtaining a survey is recommended.)

### Application:

All applications will require the following:

1. A completed ACA Modification Application form.
2. A to-scale site plan or record plat (scale not less than 1" = 30') showing the location of the proposed modification in relation to your home and all property lines.

3. The location of proposed improvements such as basketball goals, play-sets, trampolines, sports courts, swimming pools, home additions, etc., should be clearly delineated and marked to show location and size.
4. A catalog cut sheet and specifications, brochure, color swatch, or picture of proposed modification (when applicable).
5. A landscape plan (scale not less than  $\frac{1}{4}'' = 1'$ ) showing proposed location of new landscape and defining the species and size at time of planting.
6. A full set of architectural drawings for large scale additions or modifications. Drawings larger than 11" X 17" must be submitted with ten (10) copies.

As Avenel has grown and evolved through the years, the specifications have changed and been refined. Avenel's ongoing goal is to continually strive to meet homeowner needs, and at the same time maintain the unique beauty in surroundings that one is accustomed to in Avenel.

On the following pages you will find additional detailed specifications for some of the most frequently requested modifications.

## **VI. ADDITIONS, MAJOR (e.g.: Rooms Additions, Screened Porches, Garages, Sunrooms, Pool Houses) AND NEW CONSTRUCTION**

### General Considerations Applicable to Major Additions:

Major additions can have a significant impact on the appearance of the original building and on neighboring properties. The Modifications Committee will be sensitive to this fact in making its decisions regarding such additions. The overall size of the modification will be considered as it relates to the size of the lot to assure that adequate and reasonable green yard space remains.

The owner may submit conceptual drawings or preliminary plans for Modifications Committee review and comment before more detailed plans are made. Any preliminary comments are not to be interpreted as final approval by the Modifications Committee.

### Specifications Applicable to Major Additions:

The design of the addition must be compatible in scale, massing, roof pitch, character, materials, and color with the original house. The location of the addition should be planned to minimize the effect on neighboring properties as it relates to their privacy and views and located to minimize the removal of trees and other vegetation. The Modifications Committee will likely require additional landscape screening which is adequately sized at the time of planting to visually soften the view of the addition from the neighbors, street, or golf course. Changes in grade or drainage resulting from the addition must not adversely affect adjacent property.

Additions should be attached to the main dwelling of the house and blend seamlessly in connectivity. Garages are to either be attached to the main dwelling of the house or connected to the main dwelling by a breezeway. Generally, other free-standing buildings, such as greenhouses, or similar structures are not permitted but will be considered on a case-by-case basis. Sheds are prohibited.

In accordance with the Declaration and the prohibition against transfers, conveyances, leasing and/or rental of any portion of any lot other than the entire lot, ADU's as defined in the Design Criteria portion of these Guidelines are prohibited and use of platforms such as Airbnb, VRBO and the like for the rental of any lot or any portion of any lot is prohibited.

### Major Addition Application:

Your application should include:

1. A completed ACA Modification Application form and an application fee as provided in the current Schedule of Fees adopted by the Board of Directors. Depending on the complexity of the addition, the Modifications Committee may, at its sole discretion, determine that additional fees may be required to cover anticipated costs that may be incurred by the Committee in reviewing the application. These additional costs may include, but are not necessarily limited to, the use of outside architects, engineers, and other similar consultants deemed necessary for the review. Any unused portion of the Compliance fee collected will be returned to the applicant.
2. A to-scale site plan and/or record plat (scale not less than 1" = 30') showing the location of the proposed addition, the existing building and the setbacks from all



property lines;

3. A detailed architectural rendering to include construction elevation drawings for all newly proposed views (scale not less than 1/4" = 1'-0");
4. A drawing or photograph for all views of the existing building and site conditions before the proposed changes;
5. Samples of colors and materials, if different from the existing building. If using matching materials, please indicate so;
6. Catalog clippings of exterior lighting specifications if any (see Guidelines for Lighting - Exterior);
7. A landscape plan (scale not less than 1/4" = 1'-0" or as deemed appropriate by landscape industry standards) showing all plant species, quantities and sizes at time of planting. Alternatively, proposed planting may be shown on site plan if the plan is not overly complex;
8. Notation of any plants or trees to be removed or transplanted with a clear depiction of the old versus the new location;
9. A detailed drawing showing the location of existing and newly proposed drainage systems;
10. Any additional information or materials the Committee may deem necessary for its review.

General Considerations Applicable to New Construction:

All new construction must comply with the Guidelines and the general scheme and unique quality of the ACA and the specific characteristics of the village.

Specifications Applicable to New Construction:

The design of new construction must comply with the Governing Documents, the Guidelines, and the village character in house design, scale, character, materials, setback from the street and neighboring property lines, and impact to neighbors, landscaping, and other components of the property.

New Construction Application:

Your application should include:

1. A completed ACA New Construction Application form and application fee as provided in the current Schedule of Fees adopted by the Board of Directors. The Modifications Committee may, at its sole discretion, determine that additional fees may be required to cover anticipated costs that may be incurred by the Committee in reviewing the application. Additional costs may include, but are not necessarily limited to, the use of outside architects, engineers, and other similar consultants deemed necessary for the review. Any unused portion of the Compliance Fee collected will be returned to the applicant.

2. A to-scale site plan and/or record plat (scale not less than 1" = 30') showing the location of the proposed construction and the setbacks from all property lines;
3. A detailed architectural rendering to include construction elevation drawings for elements of the construction (scale not less than 1/4" = 1'-0");
4. A drawing or photograph for all views of the site conditions before the proposed construction;
5. Samples of colors and materials planned, including, but not limited to, siding, roofing, shutters, trim, and fencing;
6. Catalog clippings of exterior lighting specifications (see Guidelines for Lighting - Exterior);
7. A landscape plan (scale not less than 1/4" = 1'-0" or as deemed appropriate by landscape industry standards) showing all plant species, quantities, and sizes at time of planting. Alternatively, proposed planting may be shown on site plan if the plan is not overly complex;
8. Notation of any plants or trees to be removed or transplanted with a clear depiction of the old versus the new location, noting specific limitations and restrictions contained in the Governing Documents and the Guidelines;
9. A detailed drawing showing the location of proposed drainage systems;
10. Garage and parking plan;
11. Walkways, driveways and other similar improvements;
12. Pool, tennis court, or other similar facilities;
13. Any additional information or materials the Committee may deem necessary for its review.

## AWNINGS

### General Considerations:

Window awnings can be a desirable addition to a home for purposes of blocking sunrays, which can fade or damage home interiors and which can elevate indoor temperatures during the summer. Because of the potential benefits offered by their use, awnings may be allowed under certain circumstances where deemed appropriate by the Modifications Committee.

### Specifications:

Window or patio awnings will be allowed only on rear or side elevations provided they will not be visible from the street or obstruct views from neighboring properties. No front window awnings will be permitted, even if their view is hidden from the street or other properties.

The selected awning color should be a neutral tone, which matches or blends with the brick, stone or trim color of the house and which is not overly bold or decorative.

The awning fabric should be a heavy cotton or canvas-type material. No plastic or vinyl awnings will be permitted.

Because of their potential for becoming soiled and worn-looking, awnings must be kept clean and in excellent repair at all times. Owners should carefully consider the additional maintenance required in keeping the awnings looking fresh before making application to the Modifications Committee.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. Elevation drawings which indicate all areas to be covered by the awning(s);
3. A catalog sheets which clearly illustrate the style and dimensions of the awning(s);
4. A sample of the awning material (minimum 12" square or larger if necessary), along with the awning manufacturer's name and color name or number.

## **BASKETBALL EQUIPMENT**

### General Considerations:

The positioning of basketball equipment involves issues of visibility and noise. The best location provides enough room for a small half-court basketball play area and locates the backboard so it is the least visible from the road, neighbors, or golf course. The best location also minimizes the amount of noise to adjacent neighbors.

### Specifications:

**Materials:** In all cases, the Modifications Committee has determined that clear (no color or tint) Plexiglas-type backboards offer the least intrusion aesthetically. The Committee will require a clear type of backboard rather than opaque, tinted, smoke, or other color surfaces. Lighting of basketball backboards is not permitted.

**Materials for Pole and Backboard on Free Standing Unit** (garage or house mounted units are not permitted):

1. Clear (no color or tint) Plexiglas backboard and a black or dark green painted pole.
2. If pole pads are used, they must match the pole color (i.e., dark green or black).

### Location:

Ideally, backboards should be located at least 20' from the nearest property line and 50' from the closest residence. Locations closer than this to property lines and/or other residences will be considered on a case-by-case basis. Specific locations are listed below in order of preference.

1. Rear yard
2. Side of driveway

### Portable Type Basketball Equipment:

Portable type basketball equipment, which is not solidly installed into the ground, is considered temporary and should be removed from the premises when no longer in use. The Association may, at its discretion, require landscape screening or reasonably limit the hours of use.

### Screening:

In many cases, it is unavoidable that the location of the backboard will be within view of the street or neighbors. Therefore, evergreen trees will be required to provide screening. Eight to 10 foot tall trees are required for most situations. Trees should be planted approximately 6 to 8 feet apart on center and planted at the same time that the basketball equipment is installed. The specific location of the trees will be agreed upon as part of the approval process. The goal to be achieved by screening basketball goals is to soften the view from the street and neighbors rather than to completely block the basketball goal from view.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat, or house location survey indicating the location of the proposed basketball backboard and pole;
3. A detailed drawing or catalog sheet showing the equipment details, including color;
4. A landscape plan showing all plant species, quantities, sizes, and location of trees proposed for screening.

## DECKS & PATIOS

### General Considerations:

The Modifications Committee frequently receives requests for the addition or revision of a deck or patio. Because decks and patios have a very definite impact on the appearance of a house and may possibly affect the privacy of adjacent owners, the Modifications Committee will take particular care in its review to be certain that its design is consistent with the existing house and it will not significantly interfere with the right of enjoyment of adjacent residents.

### Specifications:

Generally, decks and patios will only be allowed on the rear of the home. Side locations may be considered on a case by case basis in certain limited villages where side locations exist as part of the original village theme. Front yard locations are not permitted. Decks or patios must be located well within the property line and in compliance with county code and ACA setback requirements. New decks/patios or modifications to existing decks/patios must provide continuity in detailing, such as materials, color, post locations, railing design and trim. For town homes and cluster-type homes, the Modifications Committee will generally require deck railings that are identical to detailing already found on decks within the individual village. In these villages, deck railings should not deviate from the original color.

Decks must be constructed with pressure-treated, rot-resistant wood, or an approved alternate product. Support posts for above ground decks must be finished with the same level of quality and detail as the deck itself. Specifically, the support posts should be faced with 1"x 8" or 1"x 6" boards and trimmed at the top with a decorative molding to create the appearance of finished columns rather than thin, unfinished posts. Some other decorative treatment such as lattice may also be considered for concealing the posts and the area beneath the deck. Skirting must be added around the perimeter of the deck floor to cover exposed joists and carriage bolts in the beams. The support posts, skirting and deck railing should be painted in a neutral color which matches or blends well with the brick and trim color of the house.

In some cases, decks have been constructed with non-wood materials. Alternate products may be acceptable providing they are approved by the Modifications Committee. If a proposed product material differs from the material originally used, then approval of that product is required. Brick or brick with wrought iron railings may be an acceptable option to wood railings upon Committee approval. Such a structure can have a major impact on a home; it will be viewed much like a room addition and may be subject to certain setback limitations.

Patios should generally be constructed with flagstone, cobblestone or brick pavers

Plantings should be provided to visually soften the appearance at post foundations and the underside of a deck where appropriate. The Modifications Committee will require additional landscaping around the decks or patios in instances where the deck or patio is visible from the neighbors, the road or the golf course. For ease of landscape maintenance, we require a hard surface such as stone paving or gravel to be placed underneath decking. If gravel is used, you must edge the gravel with pressure-treated 2x4's (or similar) which should be sunk into the ground so as not to expose a visual edge.

Any deck or patio appurtenances such as arbors, pergolas and trellises must be submitted as part of a complete application package.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the location of the deck or patio relative to the house and the property lines;
3. Construction elevation plans including details of railings, built-in benches, etc. Drawings should indicate relationship of the deck or patio to the existing house;
4. A paint or stain color sample;
5. A sample of alternate material if applicable;
6. A landscape plan showing plant species, quantities, sizes and locations;
7. Treatment for ground under the deck (i.e. gravel, stone, etc.);
8. Specifications for any lighting included in the deck or patio design, and specification sheet illustrating the type, color, bulb wattage, etc. of the lights.

## **DECORATIVE OUTDOOR SCULPTURES, STATUARY AND ORNAMENTAL PLAQUES**

### General Considerations:

Decorative outdoor art sculptures will be considered in terms of their size and visibility from neighboring properties and the street and their “blend” with the exterior of the home and its landscaping. Art sculptures are generally reserved for rear yard locations. Front yard locations are discouraged. Ornamental plaques that are affixed to the home will generally be limited to rear elevation locations however, properly sized/scaled ornamental plaques located adjacent to the front or rear door may be considered on a case by case basis.

Due to the close proximity of one house to another, attached and cluster homes are generally subject to a higher degree of review, particularly as it relates to the aesthetic appearance and impact to surrounding homes.

### Specifications:

Since art is a personal and subjective matter, it is impossible for the Modifications Committee to specifically define what will or will not be permitted. In general, however, the outdoor artwork, plaques, or sculpture should be unobtrusive in size, color and design and should blend with its surroundings. Plantings may be required to visually soften the appearance from neighboring properties or street views.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the location of the sculpture/art relative to the house and the property lines;
3. A photograph or detailed drawing of the sculpture/art to include materials;
4. A color sample where applicable;
5. A landscape plan showing plant species, quantities, sizes and locations (if applicable).

## **DRIVEWAYS/PARKING PADS**

### General Considerations:

The revision of a driveway, either in design or material, is an unusual request at Avenel since driveway issues are carefully considered during the original new home construction review and approval process. The impact of an enlarged or modified driveway on neighboring properties will be carefully considered.

### Specifications:

Enlarging or modifying a driveway may be done only where its size and use will not adversely affect adjacent property, natural areas or drainage and where it will not negatively impact the appearance of the streetscape.

Enlarging driveways or adding parking pads must be done with the same material as the existing driveway and will be generally considered only on detached home lots. Should the driveway cause disturbance of any existing vegetation, the owner will be required to re-plant landscaping and may be requested to plant additional landscaping if needed to soften the impact and view of the driveway from neighboring properties. Driveway modifications in attached and cluster-type villages are generally not permitted.

On larger detached home lots, only materials which are equal or superior in quality to the existing driveway material will be considered, when a change in driveway material is sought.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the location of the existing house and driveway or parking pad and proposed changes showing dimensions and distances from property lines;
3. A description of the driveway or parking pad material;
4. A catalog sheet which clearly display material colors and specifications;
5. A grading plan if the existing grading is changed;
6. Notations of any plant or tree to be removed or transplanted with a clear depiction of old and new locations.



## **ELECTRIC VEHICLE RECHARGING STATIONS– (EVRE) (On private property)**

### **General Considerations:**

Whereas, Section 11B-111.8 of the Maryland Homeowners Association Act (the “MD EV Recharging Station Law”) provides that if approval is required for the installation or use of electrical vehicle charging equipment, the governing body shall process and review an application for approval in the same manner as an application for approval of an architectural modification to a dwelling, in accordance with certain terms and conditions set out in the statute.

To the extent reasonably possible, if there is a garage on the owner’s lot, the EVRE should be installed within the garage. If there is no garage, or it is not reasonably possible to install the EVRE in the garage, the EVRE should be installed at the top of the driveway close to the home within the lot. Installing an EVRE inside the garage does not require Modifications Committee approval unless electric wires, lines, or cords are visible, in which case approval is required from the Modifications Committee.

Except as noted above with respect to installation in a garage, advance approval of the Modifications Committee is required for the installation of any EVRE on a Lot, and such installation shall be subject to the specifications set forth in the paragraphs which follow.

The purchase and installation of the EVRE shall be solely at the owner’s expense and the EVRE must be professionally installed, connected, and fastened in place.

It is solely the owner’s responsibility to secure and maintain the EVRE and any associated safety enclosure and to ensure it remains in a good and safe operating condition.

### **Specifications:**

- It is the applicant’s responsibility to install, maintain, operate, and repair the EVRE in accordance with all applicable relevant building codes and safety standards, including without limitation, Maryland Law, the Code of Regulations of Montgomery County, Maryland, and specifications and instructions of the manufacturer of the EVRE.
- If a permit is required by Montgomery County, the owner shall obtain such permit before installation and provide a copy of the same to the Association. The Association will not require a copy of such a permit when the EVRE is installed inside the garage.
- Installation must be by a qualified, licensed, and insured contractor. The Association reserves the right to request information, including evidence of insurance, regarding the installer.
- EVREs installed outside of the garage must be situated where least visible from the street and neighboring properties and, depending upon the house and garage placement on the Lot, installation is preferred along the side of the garage where least visible. Landscaping to screen the EVRE from view may be required, and a landscaping plan should be submitted with any modification application for an exterior EVRE.
- EVREs should be residential in size and design. Oversized commercial models are not acceptable.
- The color and material for any exterior EVRE or its enclosure should be chosen to minimize visibility and integrate with the design of surrounding buildings and landscaping. This includes any lighting associated with the unit.

- EVRE wires, lines, and cords must not cross over sidewalks, walkways, or driveways and when not in use should be hidden from view or automatically retractable.
- If an EVRE on Association Common Area property is requested, or should any portion of the EVRE or its wiring extend onto Association Common Area property, in addition to the above requirements, the following requirements shall be applicable:
  - The Association may require, at its discretion, that the owner execute a license agreement on a form approved by the Association.
  - The EVRE is subject to approval by the Association prior to the purchase of the EVRE and prior to execution of the installation contract.
  - The owner shall be required to provide the Association with a certificate of insurance for the installer, which identifies the Association as an additional insured.
  - The installing owner shall be responsible for any damage caused to the Association's property and shall be responsible for restoration of the Association's property in the event that the EVRE is removed. If the owner fails to comply with these responsibilities, the Association may proceed with any repair or restoration at the expense of the owner.
  - The Association, at its discretion, may require the owner to pay any additional insurance costs incurred by the Association as a result of the installation of the EVRE on Association Common Area property.
- In all cases, whether installed on a private Lot or on the Association Common Area property, the owner shall pay for all electricity costs associated with the use of the EVRE.

Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat, or house location survey showing buildings and property lines and showing the location of the proposed charging station and the location(s) of any exposed cables or wires;
3. Placement of the proposed charging station may require physically marking on-site for observation by the Modifications Committee;
4. A catalog sheet of the charging station including photographs or drawings, descriptions, and charging data, including depictions of available color options for the unit;
5. A landscape plan showing evergreen plantings to be installed for the purpose of screening or softening the view of the charging station.

## FENCES

### General Considerations:

Fencing can be an architectural plus when of a certain design and when used in the right place and with abundant, well-designed landscaping. Conversely, it can, when not properly controlled, become an intrusion on the open character of the community from both an aesthetic and a physical standpoint.

### Specifications:

The general philosophy of the Modifications Committee is to retain the open feeling of the community by limiting the use of fences to only those lots which require fencing because of children, pets, swimming pools, or other safety considerations; and in such cases, to permit only certain types of fencing which accomplish the desired effect. The Modifications Committee will review all fence requests received on a case-by-case basis. The guiding principle which should be used when selecting a fence style is to specify a design that is consistent with the character of the particular Avenel village in which the home is located. For example, it would be appropriate to use stone walls in Player's Turning, brick walls in Prescott, and black wrought iron fencing in The Gates or Chartwell.

The following fence materials will be considered:

1. Brick or stone walls;
2. Wrought iron with or without brick or stone piers or columns, or aluminum fence, which has an appearance and characteristics similar to wrought iron;
3. Three-board white Potomac "horse country" fencing, preferably rigid vinyl such as used on Oaklyn Drive in Avenel;
4. An approved builder-wide treatment of a section in one of the above styles or variations thereof, subject as always to the approval of the Modifications Committee.

Lots of two acres or larger represent a different scope of treatment for fencing of rear yards. While the underlying principles and objective remain the same as to the aesthetic qualities to be respected, because the distance between homes is so much greater, the Committee will consider on a case-by-case basis fences which are of a Williamsburg picket type, provided they are of high quality and either painted white, white rigid vinyl, or a natural non-rotting wood treated for termite control. Since landscape crews require access to rear yards for lawn maintenance and enter and exit through the gates, self-latching gates are highly recommended.

Unless they are part of an approved streetscape design for an entire neighborhood in Avenel, fences can only be in the rear yards of homes and not extend toward the street beyond the rear corners of houses. Additionally, the fences must be treated with landscaping to break the linear views along their entire lengths. For this reason, fences are to be installed inside the property line (4' plus or minus as determined appropriate on a case-by-case basis) to allow adequate space for landscape screening to be planted outside the fence. In most instances, fences shall be installed four feet inside the property line, as deemed appropriate by the Modifications Committee, on a case-by-case basis. Additionally, exceptions may be granted on a case-by-case basis when a fence either ties into a neighbor's existing fence or is installed on or near the property line as mutually agreed upon, in writing, by two neighbors. In such instances, all costs associated with installation, ownership, landscape screening, and future maintenance of the fence and surrounding landscape will be agreed upon in writing by both impacted neighbors, independent of the Association. In all cases, the view of the fence from the street must be heavily screened with evergreen landscaping. Fencing within a distance of ten feet from any boundary of the golf course shall be prohibited.

unless prior written permission of the golf course and the Modifications Committee is first obtained.

Chain link fencing is highly discouraged and will be considered in rare instances only along the rear portion of a lot, providing it is installed within a densely wooded area so as not to be visible to neighbors, from the street, or the golf course. Chain link fencing must be black.

Additional specifications regarding fence construction:

1. At the time of this writing, Montgomery County and the ACA require fencing around all pools to be a height of 60".
2. The Committee has established 52" as the maximum height generally allowable on lots without a swimming pool; unless special considerations pertain as to grades of the property or other architectural features in the judgment of the Committee.
3. Fence heights may vary slightly depending on factors such as the style of the fence, installation methods, and terrain/grade changes. In consideration of these variables, height variations up to several inches shorter or taller than the approved fence height may occur from time to time.
4. All fences are to have access gates that, unless approved otherwise, should be compatible with the fencing in style, design, material, height, and color. Gates must be a minimum of 4' wide for lawn maintenance purposes.
5. Fencing of rear yards generally must begin at the rear corner of the dwelling and not extend towards the street beyond the rear corner of the house. Exceptions may be made on a case-by-case basis in instances where a structural feature of the dwelling precludes placement at the rear corner of the home or other similar unique conditions justify the exception. In these rare instances, the Committee will strive to retain the open feeling of the community and will require placement to be located as close to the rear corner of the dwelling as possible. Any exception granted to accommodate specific conditions shall be considered unique and shall not set a precedent for future exceptions.
6. Wire attached to fencing is discouraged, and the Committee will only consider approval providing the wire is professionally installed on the inside of the fence;
7. Standardized high-quality deer fencing that is professionally installed will be permitted upon approval in rear yards only. Deer fencing should be constructed using black posts and wire and situated in a visually unobtrusive manner. Although deer fencing is not permitted in front or side yard locations, deer protection/netting will be considered on a case-by-case basis in front and side yards, providing it is compatible in scale and appearance with its surroundings. Netting should be limited to small sections (not complete enclosures), preferably located at the front foundation of the home, where it blends into the existing landscape with a minimum visual impact and maintained in a visually appealing manner. Tree trunk protectors are also an acceptable front yard deer barrier.
8. All fencing will require landscaping to visually soften corners and views from adjacent lots and streets. (For invisible fencing, please refer to VIII. Standards for Maintenance of Lot Improvements)

Application:

Your application should include: \*(Invisible Fences require the submission of items 1 and 2 only)

1. A completed ACA Modification Application form;

2. A to-scale site plan, plat, or house location survey showing the home, other improvements, and exact fence location, including distance from home and property lines;
3. A detailed description of the proposed fence, including a catalog sheet, photograph, or drawing;
4. The reason for the proposed fence;
5. A landscape plan showing plant species, quantities, sizes, and locations.

**Examples of deer barriers that are permitted with prior approval in front yard locations:**



A tree trunk protector





Plant netting covering plants or small bushes



Plant netting held just above annual plantings.

## FLAGS

### General Considerations:

Outdoor flags will be permitted on homes within certain guidelines pertaining to placement, type and size as follows.

### Specifications:

National, state, or temporary seasonal decorative flags may be displayed on a pole or on a flag mount attached to the house in an inconspicuous way such as on the fascia board. The flag mount should not be placed higher than the ceiling level of the first floor.

Freestanding poles should be made on non-rusting material such as brass, or painted black or dark green. The height of the pole may range from 15' to 35' above ground level, and the flag may range in size from 2'x3' to 5'x8' commensurate with the pole height. The pole needs to be installed in a plant or mulch bed to accommodate mowing operations without hitting the pole. Proposed poles and flags will be reviewed by the Modifications Committee on a case by case basis with emphasis placed on the size of the lot and the proposed location of the pole and flag being taken into consideration.

Flags flown from a mount on a home should be no larger than 3'x4'. Flag mounts and poles must also be made of a non-rusting material such as brass or painted to match the surface on which it is mounted.

No more than two flags will be permitted on any individual property.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. For pole mounted flags - a site plan, plat, or house location survey showing the proposed location of the pole on the lot and planting or mulch bed;
3. For building mounted flags - an elevation sketch showing the proposed placement of the flag;
4. A description of the flag including colors (if not the national or state flag) and size;
5. A description of the flag pole or mount (size, color and material).



## **GARAGE DOOR REPLACEMENT**

### General Considerations:

Garage doors are a prominent feature of homes and a focal point from community streets and neighboring properties. In all cases, the Modifications Committee will consider the impact and aesthetic appearance from neighboring lots, streets and common areas. To ensure a continuity of appearance, replacement of garage doors should be consistent with the original theme of each village and architecturally harmonious with the home and neighboring properties.

While certain villages within Avenel featured a variety of garage door styles, the majority of the original garage doors were solid recessed panel doors without windows or transoms. The Committee will seek to preserve the original village theme with the goal of ensuring that replacements are similar in style, high quality aesthetic appeal and long-term value both in utility and appearance.

### Specifications:

Replacement of garage doors must be submitted to the Modifications Committee for approval prior to installation. The submittal shall include a brochure or picture of the door design, window design (if applicable) and door color choice. Unless approved otherwise, all garage doors should closely match the original installed garage door and be painted to match the house trim color. If garage doors require painting, they should be painted the approved paint color within thirty (30) days after installation. Paint color should match the original garage door, unless approved otherwise, and should be satin or semi-gloss paint and not a high gloss finish.

Decorative hardware on the exterior of the garage doors is generally discouraged but may be permitted on a limited case by case basis only if consistent with applicant's village and community wide standard within the village. Garage door window inserts, or transoms shall be plain clear glass and not be covered by any material.

The Modifications Committee favors a recessed panel door that provides the aesthetic appearance of traditional wood frame and panel construction in keeping with the look and design of most of the original garage doors providing an element of depth and dimension.

Homes that have more than one garage door must change all doors to the same style to achieve architectural harmony. Wood, metal, and fiberglass composition materials may be used for replacement doors; vinyl doors are discouraged.

Avenel does not endorse any specific manufacturer, product or contractor. However, for illustrative purposes only, an example of a solid 16-panel recessed garage door is attached on the reverse side for owner reference and convenience. Such material is provided solely for purposes of illustrating a type of garage door that is in keeping with Avenel aesthetics.

### Application:

Your application should include:

1. Completed ACA Modification Application form;
2. Manufacturer's catalog sheet which shows the proposed garage doors including design, material, and color;
3. Photograph of the existing garage doors;
4. Specifications and catalog sheet of any desired hardware.

[Home](#) > [Residential Doors](#) > [Recessed Panel](#)

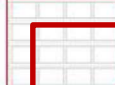


A Legacy Defined

## RECESSED PANEL

4 Style Options | 3 Available Colors






STEP 1: CHOOSE A STYLE

<    >

Short Panel Long Panel Flush Panel


STEP 2: CHOOSE A COLOR\*

White

\*Not all colors are available in all models

[Download Brochure](#) [Request a Sample](#)

 Ask your local door professional about **financing**

### Recessed Panel Garage Doors

This beautiful, recessed panel provides the look of traditional wood frame and panel construction, shaped from steel and embossed with a natural wood grain finish.

## GENERATORS

### General Considerations:

During periods of power outages, you may wish to run a power generator in order to maintain uninterrupted power. Respect for neighbors and the aesthetic quality of Avenel must be given due consideration. Generators may be placed on lots provided they are landscape screened, including but not limited to, views from the street, golf course and neighboring views.

Generators should not create a noise disturbance to neighboring properties. If the ACA determines that a generator is creating a noise disturbance, then the generator owner may be required to relocate the generator, install a silencing device, or other generator noise reduction method. Should a noise disturbance continue, then generator use may be prohibited.

### Specifications:

Generators considered for permanent placement will preferably be situated in the rear yard where they will not be visible from the street or affect neighboring properties. Side yard locations will be considered on a case by case basis, with impact to neighboring properties and street views a key consideration in the review process.

Generators are to be proportionately sized in comparison with the dimensions of the yard so as not to eliminate a significant portion of the yard and should generally be installed on concrete pads within mulch beds; raised timber borders or rock beds are not permitted.

Screening of the generator should be accomplished with evergreens to ensure year-round coverage. Screening plant material should be planted in a manner that surrounds all exposed sides of the generator and be tall enough to conceal the generator at time of planting. This planting is required specifically to screen the generator in addition to or independent of other surrounding landscape within the property. There may be instances on a limited case by case basis that lattice may be utilized for the screening of generators. Lattice screening will be considered particularly in instances where space limitations do not allow for standard landscape screening. In such instances, an Avenel approved standardized lattice screen may be included in the application. Generators may require additional landscape screening in combination with the lattice screen as space permits. Approved lattice screening must be maintained in good condition at all times.

Generator noise will be considered so that neighboring properties will not be disturbed with unreasonable levels of noise during generator use. It shall be the homeowner's responsibility to ensure that generator noise levels are in conformance with Montgomery County noise level requirements which may be obtained at the Department of Environmental Protection. In most instances, the ACA will utilize the same noise level standards as the County. In the event that a noise complaint is filed with the ACA, the ACA may choose to refer such matters to the appropriate County agency for remediation. As with all other matters, compliance with code and governmental requirements shall remain the owner's responsibility.

Generators that are brought in on a temporary basis must meet the same standards as generators that are permanently placed and must be removed or stored away once they are no longer being used. While application is not required for temporary generators that will be utilized for a period of two weeks or less, it is recommended that residents notify the ACA office of the expected duration of use.

### Application:

Your application should include:

1. Completed ACA Modification Application form;
2. Detailed drawing or catalog sheet which shows the generator including dimensions and color;
3. Noise level specifications for the proposed generator;
4. Plan, plat or house location survey to scale showing the location of the generator and distance from property lines;
5. A landscape plan showing evergreen plantings to be installed for the purpose of screening the generator. Plan must indicate plant species, quantities, sizes and locations.

## **HOSE AND HOSE REELS**

### General Considerations:

Garden Hoses and hose reels will be permitted on homes within certain guidelines pertaining to placement and type as follows:

### Specifications:

Generally garden hoses should be stored away when they are not being used. Portable hose reels although neat in appearance should also be stored away from view when not in use. Wall mounted hose reels or hose hangers will be considered for placement only if not in view of street or neighbors and will not be permitted to be attached to the front of houses.

There are decorative containers made exclusively to conceal garden hoses in an unobtrusive manner that may be an acceptable option for storing garden hoses with Modifications Committee approval.

For the placement of decorative wall mounted hose reels, hangers or decorative containers:

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. An elevation sketch showing the proposed placement (for wall mounted units) and a site location plan for decorative hose containers;
3. A cut sheet and/or photo including type, size and color.

## **LANDSCAPING AND TREE REMOVAL**

### **General Considerations:**

Plans for additions or modifications to existing landscaping must be submitted to the Modifications Committee for approval. Approval for the removal of trees will generally be granted only where such removal is reasonably necessary for the construction of driveways, paths, or other approved lot improvements or in the event a tree is dead or has been deemed hazardous by a certified arborist. The Association may, at its own discretion, engage its own certified arborist, at the cost of the applicant, to review an application, given the Association's general desire to maintain trees. In many cases, landscaping is required as an adjunct and a condition for approval of modifications such as the addition of a deck, fence, play set, basketball goal, utility, HVAC and other equipment installation, etc., as noted in other sections of the Architectural Guidelines.

At a minimum, the original landscape design and plantings approved for each house, as well as any subsequently approved additions, must be maintained and must not be allowed to deteriorate through plant loss and lack of replacement. As landscaping matures in age, it will likely lose its aesthetic appeal, and trees will often lack screening effectiveness. Owners are encouraged to periodically evaluate their landscaping and replace declining material on an as-needed basis.

It is prohibited to plant on or remove landscaping from the Association's common areas without the express written approval of the ACA. Additionally, owners are not permitted to remove trees, shrubs, or understory material from Montgomery County Park Property or County imposed conservation easement areas without the express written approval of the appropriate governing county agency as well as that of the ACA. Owners removing trees or other landscape material from such protected areas or adding additional landscape or other structures to such protected areas may be subject to fines imposed by the County and the ACA and may be required to restore the area to its original condition. Owners are responsible for complying with requirements and limitations imposed by County Code as it relates to the removal of trees and other landscaping.

### **Specifications:**

Landscape modifications or additions should be integrated in a way that is harmonious with the existing landscaping on the lot and adjacent lots. When planting, consideration of future growth should be considered to avoid future growth from encroaching on neighboring properties. On lots where golf course views are a consideration, the Modifications Committee will carefully review planned landscaping as to any obstructions to neighbors' golf course views. Front yard landscaping will be carefully considered for its effect on the overall streetscape. Generally, landscaping serves to visually soften or provide a finished look to a lot and should not be planted in such a way as to create a fenced-in appearance.

Planting of annual flowers in yards or gardens is acceptable without making application to the Modifications Committee providing the flowers blend well with the existing landscaping. Vegetable and herb gardens are restricted to rear yard locations only, and prior Modifications Committee approval is required.

Decorative garden borders such as timber, plastic, brick, rocks, logs, etc., are not permitted. Stone borders and boulders are permitted on a limited basis and must be incorporated into a landscape plan that is submitted for approval by the Modifications Committee. The use of gravel is not permitted in gardens, or anywhere that is visible to the street or neighbors. If river stones are

proposed, earth tones are required. River stones should be sized appropriately and residential in nature versus larger industrial or rip rap type rocks. Mulch should be brown tones; red cedar and black mulch are not approved for use.

Planters on steps and walkways are generally acceptable without making application to the Modifications Committee provided they are in keeping with the community-wide standards. The use of synthetic flowers and landscape is not permitted.

Tree removal is a very serious issue, which should only be undertaken when necessary for aesthetic, grading, or safety reasons. All requests for tree removal must be approved by the Modifications Committee. Tree removal may also be necessary in order to accomplish another modification. If tree removal is requested, the trees to be removed must be flagged on-site, and your plan must identify the trees to be removed and the reason for the removal. Owners are asked to carefully plan modifications so as to eliminate or minimize the need to remove any trees. In most cases, the owner will be asked to offset any tree loss, whether associated with another modification or not, with new plantings. In instances where new or replacement plantings are not required, the tree stumps must be removed, and mulch beds/rings should be restored to turf.

#### Natural Wooded Areas:

Naturalized wooded areas are an important feature of the community, and preservation is an important goal of the Association; however, the Committee will balance this goal with an owner's need to address hazardous conditions. Removal of live trees (unless they are deemed hazardous to persons or property) is not permitted in natural wooded areas without the express written approval of the Association or Modifications Committee. The Committee may, on a case-by-case basis, require written certification from a certified arborist, confirming that a tree is deemed hazardous and requires removal. The Association may, at its own discretion, engage its own certified arborist, at the cost of the applicant, to review an application, given the Association's general desire to maintain trees. If a tree is approved for removal from a naturalized wooded area, the Committee will evaluate conditions on a case-by-case basis and may require replacement with a like kind native tree. Large mature native trees will require a substantially sized replacement tree, generally at a minimum of 3 to 3-1/2 inches in caliper. Dependent on the size of the tree that is removed and existing conditions, the Committee may require the planting of more trees than have been approved for removal. For instance, a requirement to replace two or three trees to take the place of one removal may be required.

#### Application:

Your application should include:

1. Completed ACA Modification Application form including the reason for the request for tree or landscape removal;
2. Site plan, plat, or house location survey to scale showing the location of the proposed plant material (or tree to be removed), existing plant material, existing buildings and other improvements, and property lines;
3. Schedule of new plant material indicating species, height at the time of planting, caliper where appropriate and quantities;
4. Detailed description and location of any structural elements such as retaining walls;

5. Evidence of Montgomery County approval may be required;
6. An Arborist Report if applicable.



## **LIGHTING – EXTERIOR**

### General Considerations:

All exterior lighting must be applied for and approved in advance by the Modifications Committee.

As with all elements in Avenel, lighting of individual home sites is extremely important to the aesthetic appeal of the community. Typical site lighting may include lighting fixtures of the following types, subject to the specifications set forth in the paragraphs which follow:

- Building-mounted lights at entries and garages
- Garden and path lights
- Building-mounted security flood lights
- Flush up or accent lighting

Consistent with its daytime character, Avenel should be viewed as a traditional, quiet, natural nighttime setting without high intensity or overly decorative lighting. The intention is to provide adequate lighting as simply as possible, with a minimum number of fixtures and with low-wattage lamps. Fixtures should be of a high quality that is traditional in design, compatible with building architecture and construction materials, and harmonious with the neighborhood. This also applies to security cameras that are integrated with building-mounted lights. The camera and light fixture should match in color and scale to blend harmoniously with the surface where attached. Whether building-mounted or freestanding, lighting fixtures should be properly located and directed downward, diffused, or shielded to avoid causing glare when viewed from adjacent properties or from the street. The lamps should provide a natural, subtle hue, color, and high quality that is consistent with the property and neighborhood.

### Specifications:

- Lamps should be low voltage equivalent to 100 watts or 1600 lumens or less for most applications.
- Unobtrusive building-mounted fixtures are preferred when possible.
- When building-mounted light is inadequate for proper illumination, high-quality, post-mounted fixtures of 8 ft. or less in height are preferred and need to be in mulch or a planting bed. Mounting posts should blend with the surroundings.
- String/Patio/Café/Bistro ambient lighting – should be professionally installed in rear yard locations only. The bulbs should be low wattage and clear, emitting white, warm white, or any variation of subtle white hue. The location of lighting should generally be relegated to specific areas such as decks, pools, and patios, and should be limited in quantity and size.
- Down-lighting, such as moonlights, is prohibited for use above the roof line of the home.
- The maximum height for the installation of exterior lights will not exceed the eave line of the roof.
- Low-level landscape lighting should be used sparingly, if at all, and for walkways and garden areas only. Lamps should not exceed 50 watts. Fixtures should be subtle in design and dark earth tone color, should not exceed 12” inches in height from the ground, and

should be spaced appropriately and at a distance far enough apart so as to avoid any kind of a commercial effect, which could create an “airport runway” feel. However, the allowable distance between lights will vary depending upon the type of fixture, wattage, length of lighting, configuration of the land, landscaping, and such other factors affecting the aesthetics and impact of the lighting. All low-level landscape lights must be placed in plant or mulch beds.

- Security flood lights should be used only when necessary and for short periods of time, such as when tripped by a security system breach or turned on manually when noises are heard, etc. However, when the rear lot line of a residence adjoins parkland, wooded areas, or other similar situations, and the rear lot line does not adjoin a current or future residential lot or street, flood lights may be used for security purposes to illuminate the rear yard. Flood lights should always be within attractive fixtures and not be of the bare bulb and socket variety. They should be mounted on the fascia board, under roof eaves, and should be a color that matches or blends with the surface upon which it is mounted.
- All conduits and wiring should be buried and out of sight.
- High wattage commercial/industrial type fixtures are unacceptable.
- Solar powered lights will be considered to the extent they conform to these specifications. Solar lamps, LEDs, and other style lights should illuminate white and not produce blue or other color hues. Sodium vapor quartz and other non-incandescent varieties of lamps are generally unacceptable. New lighting innovations will have to be approved by the Modifications Committee, on a case-by-case basis, in order to be used.
- Flush-up and accent lighting for building facades must be tastefully designed to provide lighting which is of low intensity and provides a warm aesthetic quality. The fixtures used must be of a design that is neither obtrusive as visible fixtures nor provides any glare when viewed from adjacent properties or streets. Preferably, flush up or accent lighting fixtures should be of a type that can be totally or partially buried in the ground.

Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing buildings and property lines and showing existing and proposed lighting;
3. Placement of all proposed exterior lighting should be physically marked/staked on-site for observation by the Modifications Committee;
4. A catalog sheet of fixtures including photographs or drawings, descriptions, and lighting data;
5. A landscape plan (existing and proposed) showing plant species, quantities, sizes, and locations. This is required so that the Modifications Committee may see how the lighting will be coordinated with the landscaping.

## MAILBOXES

### General Considerations:

The variation of mailbox structures along a street can greatly detract from the aesthetic appearance of what are otherwise finely tuned architectural considerations with respect to homes and landscaping. For this reason mailboxes in Avenel are standardized, constructed of brick and/or stone in conformance with the village theme.

### Specifications:

Mailbox structures within each village shall be of the same material, design, and construction so that there will be uniformity along the streetscape. Deviations from the original design, location, and material are not permitted. Ornamentation of any kind is not permitted on mailbox piers.

Mailbox structures shall be constructed of either stone or brick, and shall be in conformance with the Avenel Standardized Mailboxes. The drawings for the Avenel Standardized Mailboxes are available at the ACA office. Mailbox inserts are also standardized and may be purchased through the ACA office, when available.

If for any reason the Standardized Mailbox cannot be accommodated on a lot, then please contact the ACA office for mailbox options. All changes must be approved by the Modifications Committee.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the location of the new proposed mailbox with dimensions and distances from property lines;
3. A description of the mailbox to include size, color and material.

## **OUTDOOR ADDRESS PLAQUES AND OTHER SIGNAGE**

### General Consideration:

The original new construction included outdoor address plaques specifically designed for each village to identify property locations in a manner that is effective while also being architecturally attractive and consistent with the village theme.

The original address plaques are intended to be maintained in their original style, color, size and location; replacement address plaques that are identical to the original in style, color, size and location do not require approval. Should an owner desire to install a new address plaque that differs from the original, then prior application should be made to the Modification's Committee.

Address plaques, whether affixed to the exterior of the home or mounted in the ground with small posts or stakes, will be considered in terms of their size and location, blend with the exterior of the home and street views, visibility from neighboring properties and their overall consistency with the village theme.

Due to the close proximity of one house to another, attached and cluster homes will require a higher degree of architectural consistency consistent with the village theme and home style/design. Since address plaques can be a personal and subjective matter, it can be challenging to specifically define what will or will not be permitted.

### Specifications:

Address plaques must be located within the homeowner's property and may not be mounted or affixed to trees, mailbox piers or streetscape fences. Other than the house number engraved on the front of the mailbox pier capstones, additional address signs, numbers, decals, or any other type of ornamentation or signage is prohibited on the mailbox piers or streetscape fencing.

Address plaques may not be placed or maintained in any location in which the position or size obstructs or interferes with regular lawn maintenance and they are to be maintained in good repair at all times.

### Other signage:

Signs including but not limited to contractor, advertising or real estate signs are prohibited unless they are the Avenel approved For Sale/Rent signs which are ordered through the ACA office and installed by ACA staff.

Professional security signs that are provided by the security company are permitted without prior approval subject to the following requirements: 1) Security signs must be located in close proximity to the front, side or rear doors and should not exceed 10 x 12 inches; 2) the posts must be metal or composite; 3) signs and posts are to be maintained in good condition.

The Modifications Committee will consider all applications on a case-by case basis.

### Application:

Your application should include:

1. A completed ACA Modification Application form;

2. A to-scale site plan, plat or house location survey, or picture of the home, showing the location of the address plaque relative to the house and the property lines;
3. A photograph, catalog cut sheet or detailed drawing of the plaque or sign to include size, color and materials;
4. A color sample where applicable.

## **PAINTING/STAINING/COLOR CHANGES - EXTERIOR**

### General Considerations:

All exterior color changes or changes of paint type/finish on a home or other approved structure must be submitted in writing to the Modifications Committee for approval. Generally, the Modifications Committee is agreeable to colors that create a subtle, traditional effect, which is harmonious with the house and complementary to the surrounding homes and overall village color scheme. Particular care must be taken in selecting paint or stain colors on homes or structures within the townhome, cluster-type, and patio villages. The color selection must be in accordance with the established theme within the village.

When painting exterior surfaces, paint should be a flat/matt, low luster/satin, or semi-gloss finish, not a high gloss finish.

Request for approval is not required to re-paint any exterior elements in the existing approved color(s) and/or finish already on the house.

### Specifications:

Selected colors must be harmonious with the other colors on the structure, e.g., roofing, trim, and brick, and must also be harmonious with the color scheme utilized in the village and consistent with the village's original color scheme. Painting of a home's exterior brick will be considered on a case-by-case basis, with careful consideration given to the home's location and proximity to other homes with a similar design, color, and architecture. Painting of the home's exterior brick in the villages of Pleasant Gate, Prescott, Player's Crossing, and The Gates will not be permitted.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. Sample color chips (minimum 2" square in size) of proposed new colors and existing paint colors to be retained;
3. A written description and illustration showing all surfaces to be painted;
4. A color photograph showing existing finishes, including brick and roofing.

## **PLAY EQUIPMENT**

### General Considerations:

Children's play equipment, including swing sets, jungle gyms, trampolines, sand boxes, and similar type equipment, are joyous additions to a home. Respect for neighbors and the aesthetic quality of the Community must, however, be given due consideration. Such equipment may be placed on lots if screened from view from the street and from neighboring views and placed in such a manner as not to constitute a nuisance to adjoining homeowners. Sheds, playhouses, treehouses, or other similar free-standing structures are not permitted on lots. Special considerations must be given for lots abutting the golf course where approval may not be possible given screening limitations.

Play equipment should be proportionately sized in comparison with the dimension of the yard so as not to eliminate a significant portion of yard space. Residents are encouraged to install equipment within a mulch bed. Two-acre lots may have more flexibility in size and placement of equipment due to the greater proportion of land, the proximity to other homes, streetscape, and golf course, and a better ability to adequately landscape screen the equipment from view.

### Specifications:

The Modifications Committee prefers that play equipment be constructed predominantly of wood and left to weather naturally. Bright colors sometimes used for sliding boards and canvas awnings are not allowed for play equipment where visible to the street or adjoining neighbors. All accessories such as slides, swings, awnings, etc., must be hunter green.

Play equipment will only be permitted in the rear yard where it will not be visible from the street. Side or front yard locations are not permitted. Non-permanent play equipment should be located in rear yards and be removed from the lot when not in use. (See "Seasonal Decorations and Other Temporary Equipment").

Screening of the equipment should be accomplished by evergreens to ensure year-round protection. Consideration should be taken to ensure screening from visibility by cars driving either way on the street(s) adjacent to the home. Screening plant material should be of a height great enough to conceal the majority of the play equipment, if not at the time of planting, then within no longer than 24 months from the date of planting by reasonable estimations of plant growth given the type of evergreen and soil and climatic conditions prevalent at Avenel.

The subject of basketball equipment is addressed in a previous section of this manual. All homeowners desiring to install any children's permanent play equipment, including permanent basketball equipment and related landscape screening, must apply and be granted formal approval prior to installation. Portable type basketball equipment, which is not solidly installed into the ground, is considered temporary and should be removed from the premises when no longer in use.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A detailed drawing or catalog sheet which shows the play equipment, including dimensions and color;

3. A to-scale plan, plat, or house location survey showing the location of the play equipment, the existing home, all other lot improvements, and distance from property lines;
4. A landscape plan showing evergreen plantings to be installed for the purpose of screening or softening the view of the play equipment. Plans must indicate plant species, quantities, sizes, and locations.
5. Location of play equipment should be marked with flags for on-site inspection by the Modifications Committee prior to installation.



## RETAINING WALLS

### General Considerations:

Retaining walls should be as unobtrusive as possible and should be installed only where structurally necessary such as for purposes of diminishing erosion or creating a more level lawn or garden area. Retaining walls should be built only to the minimum height needed to serve their function.

### Specifications:

Retaining walls must be constructed of stone, brick or high-quality square, non-rotting wood timbers. Concrete walls or walls constructed of rounded landscape timbers will not be approved both for aesthetic and structural reasons.

The ends of all walls must be gradually tapered down to the ground rather than abruptly ending.

Montgomery County building code requires a railing for retaining walls of a certain height. Should a railing be required, the design specifications including dimensions, material and color must be included as part of the application. Alternatively, the owner may want to consider stepping the wall in a terracing effect in order to keep the wall height below the maximum allowable height for which a rail is not required. Notwithstanding, compliance with applicable codes shall remain the owner's responsibility.

Plantings should be added in areas where the retaining wall will be visible either from neighboring homeowners, the street or the golf course.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. To-scale site plan, plat or house location survey showing the location of the retaining wall, any existing or planned buildings and the relationship to property lines;
3. A sectional drawing showing the construction details;
4. A description of the material to be used, including catalog sheets and photos (if possible);
5. Landscape plan showing additional plant material to be used to soften the view of the retaining wall(s). Plan must indicate the plant species, quantities, sizes and locations.

## ROOFS

### General Considerations:

Generally, roofs shall remain of the same type as that used in the original construction of the home. If changes to the original roof type or subsequent roof types are desired, application is required to be submitted to the Modifications Committee. No work is to be started until approval is received in writing from the Modification Committee. Replacing the roof with the original roof material and color does not require prior Modifications Committee approval, as it is considered general maintenance. A replacement roof shall remain consistent with the roof theme of the village within which the home seeking the change is located. As with all architectural review standards, the goal of the Committee is to preserve the unique traditional quality of Avenel and to maintain high aesthetic standards. Depending upon the village, home type, lot size, proximity to neighboring homes, and other factors, there may be code requirements or limitations applicable to the type of roof construction and the type of roof materials that may be installed, notwithstanding the aesthetic requirements of the ACA. As with other proposed improvements and modifications, compliance with applicable building and other code requirements remain the responsibility of the owner. Owners are urged to investigate any applicable code requirements prior to proceeding with the improvement or modification.

The ACA has approved the use of several synthetic roof materials. These roof materials are intended as an alternate “look-a-like” to the original roof material. For example, if your original roof is cedar shake, there is an optional synthetic cedar shake “look-a-like,” if your original roof is slate, there is a synthetic slate “look-a-like” product. If a change is desired to be made from the original roof product to a synthetic roof product or from one type of roof to another (i.e., cedar shake to slate), prior Modifications Committee approval is required. All roof changes are considered by the Modifications Committee on a “case-by-case” basis and must receive approval prior to installation. The Committee will base its decision primarily on the aesthetic merits of the product and the compatibility of the requested roof as it relates to applicant’s home, property, and other homes in that particular village.

Asphalt roofs are expressly prohibited unless used by the builder as part of the original roof of your home or as part of the original roofs of other homes within your village, as outlined below. Metal roofs are prohibited on the main dwelling in all Avenel villages.

Certain villages within Avenel, such as town home or courtyard villages, are required to maintain the original roof material due to the close proximity of the homes to one another within those villages. In order to maintain the aesthetic integrity and continuity within these villages, the synthetic look-a-like roof products are not permitted. These villages include: Player’s Crossing and Pleasant Gate.

Just as roof shingles and slates are available in a variety of styles, colors, textures, and sizes, they also are offered with different UL performance standards for fire, impact, and wind. These standards may be achieved, in part, by the underlayment material that is utilized in the installation of the product. Owners should consult with their roof contractor or manufacturer to obtain further information and details on this matter. Regardless of whether or not it has approved an alternate roof material or system, the ACA does not make any representations as it relates to warranties, life cycles, UL ratings, performance and safety standards, etc. Several original roof materials and/or approved alternate roofs are identified by their manufacturers as Class A fire rated roofs. As noted, such rating may be achieved by the roof system installation method or may be achieved by the roof material itself. Among the various roofs approved by the ACA, there are both Class A

roof systems and Class A roof materials. Specific questions about the type of rating, etc., should be referred to the manufacturer. Modifications Committee determinations relate to aesthetics alone.

Specifications:

The following is a list of roof options by village:

- |                                  |   |
|----------------------------------|---|
| • Abbey Terrace:                 | Natural cedar shake or synthetic cedar  |
| • Chartwell Manor Court:         | Natural slate or synthetic slate  |
| • Chartwell (Avenel Farm Drive): | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |
| • The Gates:                     | Natural cedar shake or synthetic shake  |
| • Eagle Ridge:                   | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |
| • Oaklyn Woods:                  | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |
| • Pleasant Gate:                 | ELK, Prestique I asphalt shingle; color: Antique Slate (if unavailable, an aesthetically similar asphalt product, as approved by the ACA) |
| • Player's Crossing:             | Natural cedar shake   |
| • Player's Gate:                 | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |
| • Player's Turning:              | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |
| • Prescott:                      | Natural slate, synthetic slate  |
| • Rapley Preserve:               | Natural cedar shake, natural slate, tile, synthetic cedar, synthetic slate  |
| • Saunders Gate:                 | Natural cedar shake, natural slate, asphalt, synthetic cedar, synthetic slate   |
| • Willow Gate:                   | Natural cedar shake or natural slate, synthetic cedar, synthetic slate  |

Any additions to the roof, such as exhaust fans, flues, etc., require approval prior to installation. To the extent possible, all roof penetrations should be located on the back side of the roof so they are not visible from the street. Ridge vents should extend from gable-end to gable-end, the entire length of the ridge so no gap exists between terminus of ridge vent and gable-end. Ridge vent material shall be shingle vent (shingle over ridge vent style) and must match the roof shingles.

*Revised by the Modifications Committee 12/2019  
Revised 2/2020  
Revised 5/2022*

Exposed metal ridge vents are prohibited. The proposed venting method should be specified on the application.

The ACA periodically reviews new materials and colors that are aesthetically appropriate for use in Avenel. Just as new products and colors become available, others may no longer be available; therefore the list of approved synthetic alternatives changes from time to time. It would be impractical for the ACA to update these guidelines every time a new material is approved.

Therefore, owners wishing to obtain the most up-to-date information should contact the ACA office. The ACA maintains a written list of up-to-date approved materials that are available to owners at their request. Color selections and manufacturers for the approved roof materials are limited. Please check with the ACA office for approved colors. Owners should note that simply because a particular roof or style has been approved for one home, approval for another home is not guaranteed.

Application:

Your application should include:

1. A completed Modification Application form;
2. A sample of the proposed roofing material;
3. A catalog sheet identifying full product specifications and color choice that the owner is proposing to modify as well as identifying the owner's current roof material.

## **SATELLITE DISHES**

### General Considerations:

Installation of antennas, including satellite dishes, shall be permitted only to the extent required to comply with the Federal Communications Commission (the “FCC”) rule effective October 14, 1996 (the “FCC Rule”) or other then applicable law, if any. The FCC Rule preempts certain restrictions in the governing documents of planned communities concerning the installation, maintenance, and use of certain direct broadcast satellite, television broadcast, and multipoint distribution service antennas, and structures raising the height of such antenna to less than 12 feet above the roofline (each a “Dish” and collectively, “Dishes”). The specifications herein provided are generally consistent with the FCC Rule; however, because the FCC Rule is subject to change or modification, the Board of Directors reserves the right to amend and modify the ACA’s rules governing installation, maintenance, and use of Dishes, which rules may be more restrictive than current regulations.

### Specifications:

Size, Type, Number and Height: Dishes that are one meter or less in diameter may be installed pursuant to these guidelines. Dishes larger than one meter are prohibited and all antennas or satellite dishes not regulated by the FCC Rule are prohibited. To the extent consistent with the FCC Rule, only one Dish is permitted per Residential Unit. Dishes may be no higher than necessary to receive acceptable quality signals. However, the following height restrictions and locations are preferred by the ACA:

1. Rear yard, not to exceed 30 inches in height from grade, screened by planting;
2. Side yard, not to exceed 30 inches in height from grade, screened by planting;
3. Directly on the side or rear elevation of a residence where its placement is visually shielded by an architectural recess or by an overhang such as the eaves. The dish shall not extend beyond 24 inches from the wall.

Notwithstanding, these restrictions shall not be applicable if they prevent obtaining an acceptable quality signal.

Masts: Any Owner who plans to install any structure to which a Dish is attached that raises the height of the Dish to more than 12 feet above the roofline (a “Mast”) should contact the Modifications Committee for further information regarding standards and regulations. The “Application Form for Installation of Masts” must be submitted for any proposed Mast with regard to safety considerations, and the prior approval of the ACA must be obtained.

Location: The FCC regulations applicable as of the adoption of these guidelines provide that the ACA may identify preferred and less visible locations within the Residential Units for the placement of the authorized Dishes. The ACA can preclude placement on any Common Area or other areas outside the Residential Unit, or in an unsafe area. The ACA cannot require placement in such preferred locations of the Residential Unit if an acceptable quality signal cannot be received, as certified in writing by a licensed installer. Pursuant to the FCC regulations, the party attempting to enforce a restriction on the placement of a Dish has the burden of proving that an acceptable quality signal can be received at the preferred location. If the ACA believes that an acceptable quality signal can be obtained in a preferred location and the Owner fails to install the Dish in such preferred location, the ACA may retain a licensed installer to certify whether an acceptable quality signal can be obtained in the preferred location. If such certification is obtained, the Owner may be required to move the Dish to the preferred location and pay for the costs associated with obtaining the certification.

Specific Requirements regarding Location and Screening:

1. Dishes shall be installed solely within an Owner's Residential Unit and shall not be installed on Common Areas.
2. Dishes shall not encroach upon Common Areas or any other Owner's Residential Unit.
3. Where the size of the property allows, and where consistent with the FCC regulations, Dishes should be located at least 20' from the nearest property line and 50' from the closest residence. To the maximum extent possible, Dishes shall be located in a place shielded from public view and from the view of other Residential Units and should be placed in rear or side yards of Residential Units, if feasible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal cannot be received, as certified in writing by a licensed installer. This section does not permit installation on Common Areas, even if an acceptable quality signal cannot be received from the Owner's Residential Unit.
4. Where the location of a Dish is in view of road traffic, other Residential Units, or the golf course, the Dish must be screened in accordance with the General Specifications Section of the Architectural Guidelines, in the same manner and to the same extent as required for the installation and maintenance of other similar type equipment, provided such screening is consistent with applicable law. The Dish may require painting so that it matches the color of the trim, brick or other material that it abuts. Any screening or painting of a Dish must be done with the approval of the Modifications Committee by completing the Modifications Application process as provided in the Architectural Guidelines and Architectural Review Process of the Avenel Community Association.
5. The Owner shall at all times be responsible for the maintenance of the Dish and must if applicable, and assumes all liability for any damage to the ACA or other owners property that may occur due to dish install and use.

These guidelines are based upon current FCC regulations. The FCC regulations in effect at the time of Dish installation shall be controlling with regard to placement location. As the FCC regulations may be changed in the future, it shall be the responsibility of both the ACA and the Owner to have knowledge of the current FCC regulations at the time a Dish is installed.

Notification Process: Any Owner desiring to install a Dish must complete a Notice of Intent to Install Dish (attached hereto) and submit it to the Modifications Committee. If the installation is routine (i.e., the installation conforms to all of the above rules and restrictions), the installation may begin immediately. If the installation is other than routine for any reason, the Owner and the Modifications Committee must establish a mutually convenient time to meet to discuss installation methods. (A schedule of convenient times for the Modifications Committee will be provided to the Owner.)

Although the current FCC regulations preclude the ACA from requiring that the Owner obtain prior approval for the installation of a Dish, the Owner shall provide the ACA with notification of the installation as provided herein. The ACA encourages Owners to provide notice prior to installation so that location issues, if any, can be resolved without dispute. The ACA strongly encourages Owners to comply with the location preferences, or if such placement is not possible due to the signal reception, strongly encourages Owners to install attractive screening (consistent with these guidelines) to protect the visual appearance of the Community.

Satellite dishes that are no longer in active use should be removed from the premises

**AVENEL COMMUNITY ASSOCIATION, INC.**

**Notice of Intent to Install Dish  
within Residential Unit**

*(To be submitted to the Modifications Committee by the Owner)*

Unit/Home Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

If rented, tenant's name *(Attach copy of notice informing the owner of tenant's intent to install a Dish)*: \_\_\_\_\_

Telephone (Day): \_\_\_\_\_ Telephone (Evening): \_\_\_\_\_

Type of Dish: \_\_\_\_\_

Direct broadcast satellite \_\_\_\_ 18-inch \_\_\_\_ other \_\_\_\_ size \_\_\_\_

Television broadcast \_\_\_\_\_

Multipoint distribution service \_\_\_\_ size \_\_\_\_

Fixed Wireless Signal \_\_\_\_ size \_\_\_\_

Structure to raise antenna \_\_\_\_ height \_\_\_\_ ft above roofline \_\_\_\_

Company Performing Installation \_\_\_\_\_

Identify Installation Location: Porch ☐ Rear Deck ☐ Balcony ☐  
Other ☐ Indicate "Other": \_\_\_\_\_

Date installation performed: \_\_\_\_\_

Please indicate the method of installation.

**Will the installation be in compliance with all ACA guidelines (which include manufacturers' guidelines and applicable building codes)?** Yes ☐ No ☐

If no, please provide three days and times for which you are available to meet with us to discuss Dish installation. At this meeting, you will need to provide information supporting the necessity for nonroutine installation. (A list of preferable days and times is attached.)

Is a Mast necessary for reception? Yes ☐ No ☐

**If yes, then you must complete the Application Form for Installation of Masts.**

I will comply with all of the ACA's rules for installing, maintaining, and using Dishes. I understand that it is my responsibility to comply with all applicable laws, rules and regulations related to Dish installation, maintenance and use.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**AVENEL COMMUNITY ASSOCIATION, INC.**

**Application Form  
for Installation of Masts**

*(To be submitted to the Modifications Committee by the Owner)*

Is a Mast extending more than 12 feet above the roofline required for your Dish?

☐ Yes      ☐ No

If you responded “yes” to the question above, please provide your reasons why such a Mast is necessary. Include a detailed drawing of the installation plans, including:

- Description of the Dish and Mast
- Exact location of the Mast and Dish installation
- Description of the manner and method of installation
- Total height of the Mast and the height it will extend beyond the roofline  
*(Include an explanation of why the Mast must extend to this height.)*
- Manufacturer specifications regarding the installation of the Mast

Also indicate a date and time that would be convenient for you to meet with the Modifications Committee. *(A list of preferable days and times is attached.)*

I will comply with all of the ACA’s rules for installing, maintaining, and using Masts. I understand that it is my responsibility to comply with all applicable laws, rules and regulations related to Mast installation, maintenance and use.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_



**SCREEN DOORS AND STORM DOORS**  
**(Pleasant Gate Homeowners refer to page 56)**

General Considerations:

The original new construction plans for most of the homes at Avenel did not include the use of screen doors or storm doors. Consequently, should an owner desire to install such a door, it should not alter the appearance of the entryway or detract from the theme within the village either in design or color.

Specifications:

Screen/storm doors should allow a full or nearly-full view of the main door behind it and should be a color which matches the existing door or trim color, whichever will create the most unobtrusive appearance. Generally, only straight line framing with little or no ornamentation will be considered and permitted.

Application:

Your application should include:

1. A completed ACA Modification Application form;
2. Detailed drawing or catalog sheet, which shows the screen/storm door including dimensions and color;
3. Photograph of the existing door with dimensions and frame color noted.

## **SEASONAL DECORATIONS AND OTHER TEMPORARY EQUIPMENT**

### General Considerations:

Holiday decorations and other temporary equipment are considered temporary changes to the landscape of the individual homeowner's property and as a rule do not require prior Modifications Committee approval. However, the following guidelines have been developed to enhance the community during the Holiday Season:

### Specifications:

1. Installation of temporary decorations should begin after November 1st of each year;
2. Temporary decorations should be removed by February 1st of each year;
3. Any decorations that are put up before November 1st or remain up after February 1st will be considered permanent and will require Modifications Committee approval;
4. Other seasonal or festive decorations will be permitted to remain up a maximum time of thirty days. If time extensions are required, please contact the ACA office for approval;
5. Approval of temporary equipment such as party tents, moon bounces, and other similar equipment does not in most cases require Modifications Committee approval providing it is removed within 3 days or less. The ACA office should be notified in advance of the dates and proposed placement of short term equipment.

## **SOLAR PANELS**

### General Considerations:

Installation of solar collector systems (as defined in Section 2-119 of the Real Property Article of the Maryland Code), including solar panels, shall be permitted only to the extent required to comply with Maryland law or then applicable law, if any. Solar collector systems are not desired from an aesthetic perspective and are precluded except as provided herein. Current Maryland law provides that any restriction regarding the installation of solar collector systems cannot be unreasonable, meaning that such restrictions cannot significantly increase the cost of the solar collector system or significantly decrease the efficiency of such system. All of the specifications herein provided are subject to the aforementioned legal limitations related to cost and efficiency, and as such, are generally consistent with the current law. However, because the law regarding solar collector systems is developing and is subject to change or modification, the Board of Directors reserves the right to amend and modify the Architectural Guidelines governing installation, maintenance, and use of solar collector systems, which guidelines may be more restrictive than current guidelines.

### Specifications:

Size and Type: Solar collector systems permitted under these guidelines include any solar collector or other energy device whose primary purpose is to provide for the collection, storage and distribution of solar energy for electricity generation, space heating, space cooling, or water heating. The specific size and type of a solar collector system may be limited by the ACA.

Location: An Owner may only install a solar collector system on a roof or exterior wall to which the owner owns or has the exclusive right to use. Solar collector systems may not be installed on or encroach upon Common Areas of the ACA or the property of any other owner. The ACA may identify preferred and less visible locations within the Residential Units for the placement of solar collector systems to comply with the aesthetic standards of the ACA. The ACA may require the owner to provide credible evidence of any claimed decrease in efficiency or increase in cost for consideration by the Modifications Committee as part of an application for installation in a different location. If the ACA believes that acceptable efficiency can be obtained in a preferred location and the Owner fails to install the solar collector system in such preferred location, the ACA may retain a licensed installer to certify whether acceptable efficiency can be obtained in the preferred location. If such certification is obtained, the Owner may be required to move the solar collector system to the preferred location and pay for the costs associated with obtaining the certification.

### Approval/Notification Process:

The Owner shall proceed with the architectural change application procedure for the installation of a solar collector system unless such application process is inconsistent with applicable law. However, even if such application process is no longer applicable, before installing a solar collector system, the Owner shall notify the Modifications Committee of its intention to install a solar collector system so that location issues, if any, can be resolved without dispute. The ACA strongly encourages Owners to comply with the location preferences, or if such placement is not possible due to significantly decreased efficiency, strongly encourages Owners to take steps (consistent with these guidelines) to protect the visual appearance of the Community.

The following specific requirements apply to the location of solar collector systems:

1. Solar collector systems shall be installed solely within an Owner's Residential Unit and shall not be installed on Common Areas.
2. Solar collector systems shall not encroach upon Common Areas or any other Owner's Residential Unit.
3. To the maximum extent possible, solar collector systems shall be located in a place shielded from public view and from the view of other Residential Units and should be placed to the rear or side of Residential Units, if feasible. This section does not permit installation on Common Areas, even if acceptable efficiency cannot be received from the Owner's Residential Unit. The ACA may require the Owner to undertake certain screening (which may include painting or trimming to match other parts of the home) so that the solar collector system is consistent architecturally with the exterior of the Residential Unit or other material that it abuts. Any screening of the solar collector system must be done with the approval of the Modifications Committee.
4. The Owner shall at all times be responsible for the maintenance of the solar collector system.

**AVENEL COMMUNITY ASSOCIATION, INC.**  
**Notice of Intent to Install Solar Collector System**  
**within Residential Unit**

*(To be submitted to the Modifications Community by the Owner*  
*Note that so long as consistent with applicable law, Owner shall proceed with the standard*  
*architectural change application to install a solar collector system)*

Unit/Home Owner(s): \_\_\_\_\_  
\_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If rented, tenant's name *(Attach copy of notice informing the owner of tenant's intent to install a solar collector system)*: \_\_\_\_\_

Telephone (Day): \_\_\_\_\_ Telephone (Evening): \_\_\_\_\_

Description of Solar Collector System: \_\_\_\_\_

Company Performing Installation \_\_\_\_\_

Identify Installation Location: Porch ☐ Rear Deck ☐ Balcony ☐ Roof ☐  
Other ☐ Indicate "Other": \_\_\_\_\_

Date installation to be performed: \_\_\_\_\_

Please indicate the method of installation.

**Will the installation be in compliance with all ACA guidelines (which include manufacturers' guidelines and applicable building codes)?** Yes ☐ No ☐

If no, please provide three days and times for which you are available to meet with us to discuss solar collector system installation. At this meeting, you will need to provide information supporting the necessity for nonroutine installation. (A list of preferable days and times is attached.)

I will comply with all of the ACA's rules for installing, maintaining, and using solar collector systems. I understand that it is my responsibility to comply with all applicable laws, rules and regulations related to solar collector system installation, maintenance and use.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## **SPORTS COURTS AND OTHER RECREATIONAL EQUIPMENT**

### General Considerations:

Sports courts are generally discouraged due to their size and will be considered carefully in terms of possible disturbance (noise and otherwise) visual and otherwise, to neighbors. Additionally, the committee will consider the overall size of the sports court as it relates to the size of the lot to assure that adequate green yard space remains.

In general sports courts will not be permitted on lots smaller than one acre. No lighted courts will be permitted on lots smaller than one acre unless bordering adjoining property that is public or community open space and there is no resulting annoyance to residents of other lots in the area.

In order to maintain the residential character of the community, certain recreational equipment, including but not limited to batting cages, skateboard ramps, and tennis backboards are prohibited.

### Specifications:

Sports courts are to be situated in the back yard with sufficient landscape screening so that they are not visible to adjoining properties, the street, or golf course. The landscape screening must be tall enough at the time of planting to fully screen the sports court

Sports courts are generally of asphalt or concrete base. Concrete sports courts must be covered with outdoor flooring in a subtle dark green to blend with the turf.

Basketball backboards and baskets for sports courts must be applied for in conformance with the Basketball Guidelines.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the proposed court, fencing, lighting, and any other proposed structures;
3. The location of the proposed court should be marked and staked for on site inspection;
4. Lighting specifications (See separate lighting section in this manual);
5. A landscape plan showing all plant species, quantities, sizes and locations.

## **STORM WINDOWS**

### General Considerations:

The original new construction plans for most of the homes at Avenel did not include the use of storm windows. Consequently, should an owner desire to install storm windows, they should not alter the appearance of the existing windows.

### Specifications:

Storm windows should allow a full view of the windows behind them and should be a color which matches the existing window trim color and should have the same general configuration as the existing frames.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A catalog sheet showing a photo of the storm windows including dimensions and color;
3. Photograph of the existing windows with dimensions and frame color noted.

## **SWIMMING POOLS, HOT TUBS, SPAS**

### General Considerations:

Swimming pools can greatly enhance the enjoyment and livability of a home while also providing excellent exercise benefits to the owner. However, because of the possible intrusion on adjacent properties, swimming pool plans will be very carefully reviewed and considered in terms of any possible disturbance to others. A swimming pool and the associated decking and 60" high fencing (currently required by Montgomery County) must be planned and designed in conformance with the character of the village in which it is located. Notwithstanding this provision, the owner shall remain responsible for compliance with any fencing or other code requirement applicable to the installation of a swimming pool, hot tub or spa. Concept or preliminary plans may be submitted for review and comment before full working construction drawings are undertaken, but should be clearly indicated as such on the plan.

### Specifications:

Outdoor swimming pools, hot tubs and spas must be approved by the Modifications Committee and will be permitted only in situations where a clear demonstration is made that the pool, hot tub or spa will not interfere with the quiet enjoyment of any adjacent lot. Swimming pools, hot tubs and spas should only be located in rear yards directly behind the footprint of the house and must be in scale with the lot size to inhibit impact to neighboring properties and visibility from neighboring homes and the street. While the underlying principles and objectives remain the same, two-acre lots may, on a case by case basis, afford more flexibility in placement due to the greater proportion of land, proximity to other homes, and visibility from the streetscape. Swimming pools, hot tubs and spas will only be permitted in the rear yard where not visible from the street. Side or front yard locations are not permitted. Only in-ground swimming pools may be approved; above-ground pools are prohibited. If not inground, hot tubs or spas may require architectural treatment with decking and the base must be enclosed to hide the tub from view.

Swimming pool, hot tub and spa equipment must be located to avoid interference with neighbors and must be enclosed architecturally or screened from view with evergreen landscaping. Pool/hot tub/spa equipment and structures used to enclose equipment must also be softened with landscaping where visible from other properties.

At the time of this writing, Montgomery County requires fencing around swimming pools at a height of no less than 60", however, as noted above, it will be the owner's sole responsibility to ensure compliance with applicable county codes. For the guidelines and specifications on fencing in Avenel, please refer to the "Fences" section of this manual. The Modifications Committee encourages owners to fence in the swimming pool and deck areas only, to allow for space between the pool area and the property lines for landscaping. In almost all circumstances, the Modifications Committee will require additional landscaping to soften the visual impact of the swimming pool and fence. Generally, pools must be screened heavily from both the street and neighboring views.

The Modifications Committee does not need to approve indoor swimming pools or spas unless they are part of a home addition or will result in a change to the exterior, in which case the owner should refer to the "Major Additions" section of this manual in preparing the application.

### Application:

Your application should include:

1. A completed ACA Modification Application form;



2. A to-scale site plan, plat or house location survey showing the proposed swimming pool or hot tub, pool equipment, decking, fencing, other lot improvements and property lines;
3. Elevation drawings showing the fence design, decking including railing design if appropriate, any proposed new structures and equipment;
4. A landscape plan showing all plant species, quantities, locations and sizes.

## TENNIS COURTS

### General Considerations:

Tennis courts, like swimming pools, provide recreational benefits to the owner and can enhance the value of a property but must be considered carefully in terms of possible disturbance, visual and otherwise, to neighbors. Tennis court lighting is discouraged and will be permitted only if there is no disturbance to adjoining lots. In all cases, lighting should be limited in intensity and will be considered on a case-by-case basis.

In general, no tennis courts will be permitted on lots smaller than one acre. No lighted courts will be permitted on lots smaller than two acres unless bordering adjoining property that is public or community open space and there is no resulting annoyance to residents of other lots in the area. Backboards are not permitted on tennis courts. Additionally, the committee will consider the overall size of the tennis court as it relates to the size of the lot to ensure that adequate green yard space remains.

### Specifications:

Tennis courts must be situated so that they are not visible from adjoining properties, or must be treated with significant evergreen landscaping to screen the view from such properties.

Clay, grass or asphalt tennis court surfaces will usually be approved. No concrete surfaces will be acceptable.

Tennis court fencing should be constructed of black vinyl-covered chain link and should not exceed a height of 10 feet. The landscape screening must be tall enough at the time of planting to provide the necessary screening of the tennis court, including the corners. In some instances, tennis court fencing may require high quality black privacy screens in addition to landscape screening.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the proposed tennis court, fencing, lighting, and any other proposed structures;
3. Lighting specifications (See separate lighting section in this manual);
4. A landscape plan showing all plant species, quantities, sizes and locations.

## TRAMPOLINES

### General Considerations:

Trampolines create concerns of visibility. Trampolines can only be installed in a back yard large enough so that placement does not interfere with the mowing by the landscape crews. Trampolines cannot be located where they might be visible from the road, neighbors, or the golf course.

The following guidelines must be implemented for installing a trampoline at Avenel.

1. Trampolines, protective pads, covers, and safety nets must be of dark muted colors
2. A designated, fixed position must be chosen.
3. An area directly beneath the trampoline and extending at least one foot or wider on all sides, has to be cleared of existing grass, edged, and mulched at the homeowner's expense.
4. The trampoline must stay permanently on the mulch bed.
5. The trampoline must be screened from view of neighbors and the street with several evergreen trees. The homeowner has to submit a landscape plan, which will be subject to approval by the Modifications Committee.
6. Once the trampoline is permanently removed from the site, the turf must be restored to its original condition at homeowner's expense.
7. The trampoline must be maintained in good condition at all times.

These guidelines are created to maintain the landscaping scheme of Avenel, and must be consistent with all modification guidelines.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey indicating the location of the proposed trampoline;
3. A detailed drawing or catalog sheet showing the equipment, to include color and any accessories; (e.g. safety netting, etc.);
4. A landscape plan showing all plant species, quantities, sizes and locations.

## **WATER FEATURES**

### General Considerations:

Water features such as small man-made ponds or fountains can be a delightful addition to an exterior landscape. Like all exterior improvements, the acceptability of such a modification will be determined by its suitability in terms of size, scope and location and its relationship to the house, any existing or proposed landscaping on the lot and other neighboring lots. Water features are generally reserved for rear yard locations. Front yard locations are discouraged.

### Specifications:

Outdoor water features must be approved by the Modifications Committee and will be permitted only in situations where a clear demonstration is made that the modification will not interfere with the views or peaceful enjoyment of any adjacent lot.

It will be the responsibility of the owner to determine if safety fencing is required by local regulations for any such feature. Fencing must also be approved by the Modifications Committee as detailed in this manual under “Fences”.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey showing the proposed water feature, related decking, fencing, other existing or planned structures, equipment location and property lines;
3. Elevation drawings showing the water feature design, other proposed new structures and equipment;
4. A landscape plan, if applicable, showing all plant species, quantities, sizes and locations. Catalog sheets including photographs, drawings and specifications of the proposed water feature.

## **WINDOWS / WINDOW MUNTINS / WINDOW TREATMENTS / WINDOW WELLS**

### General Considerations:

Generally, in keeping with the harmony and aesthetic consistency of each of the various villages, a home's original window style and other window related design features should be maintained. A change in window style or other related window design features, including the use or lack of muntins (also referred to as mullions), can have a very noticeable aesthetic impact on the overall appearance of a home as well as the consistency and harmony of design throughout the specific village.

### Specifications:

Windows: If windows are replaced, the new windows shall match the design of the original window including muntins/mullions, and unless approved otherwise, the color shall match that of the original windows or home's trim paint. Fixed and double hung windows that are proposed for replacement should be replaced with the same style window unless specifically approved otherwise by the Modifications Committee of which all such requests to be reviewed by the Committee strictly on a case-by-case basis. When windows are to be replaced, the application should include complete specifications on which windows are to be replaced with details on the style, material, and color of the replacements. In cases where an entire home's windows are not being replaced, the Committee may require replacement of an entire home elevation, whether front, rear, or side to maintain consistency.

Window Muntins: The original new construction designs for the majority of homes in Avenel were traditional in design with window muntins, defined as the vertical and horizontal dividers that make up a windowpane. Window muntins/mullions are required to be maintained in the windows of all homes where they were part of the original construction unless otherwise approved by the Modifications Committee as they contribute to a theme of traditionalism and quality detail which is to be maintained in Avenel. Muntins should be straight line dividers with little or no ornamentation and should be painted so the exterior facing side matches the color of the exterior window trim. Applications for removal of muntins on rear elevations will be considered on a case by case basis and will generally only be considered for the rear elevation of a home.

Some homes in certain Avenel Villages did not include muntins/mullions as part of the original home construction and design feature. The Modifications Committee will continue to take original design and village theme into account when considering applications.

Any owner desiring to install window muntins in a house where they were not originally included or to remove window muntins from a house where they were originally included must make application to the Modifications Committee. No owner is permitted to install or remove window muntins without prior approval from the Committee.

Window Details or Designs: Other modifications or exterior decorative designs used for windows, such as the use of security bars, stained, leaded or etched glass must also be reviewed and approved by the Modifications Committee.

Window Wells: Window wells will generally only be considered on rear or side elevations of the home. They may require landscape screening to soften exposed portions. In addition, homeowners proposing to install egress windows from basement areas must adhere to county code requirements that include minimum net openings, use of ladders, etc. As with all

modifications, it is the responsibility of the homeowner and not the Association to understand and comply with code requirements and obtain any required building permits before construction. Based on the degree of visibility of the window well above grade, it may be required that the material match the homes exterior finish, quality of material and professionally installed.

The general code requirements for egress windows can be found on the Montgomery County website or by calling Montgomery County 311.

Application:

Your application should include:

1. Completed ACA Modification Application form;
2. Photographs of the existing windows with dimensions and frame color noted;
3. Detailed elevation drawing indicating all windows to be replaced, or those where muntins or other decorative elements are to be added or deleted, including a depiction of the proposed muntin pattern, dimensions, and color;
4. Architectural drawing to scale of proposed window wells and new material specifications. A material sample may be required;
5. Cut sheet and manufacturer specifications, including the color of proposed window replacements. A sample may be required.

## PLEASANT GATE PATIOS

### General Considerations:

Because Pleasant Gate Homeowners live in close proximity to each other, the need for continuity in the design, materials, and installation of patios is important. The Modifications Committee understands the desire of homeowners to add a patio for better enjoyment of their outdoor living space. However, because the patio has a very definite impact on the appearance of the house and may possibly affect the privacy and enjoyment of adjacent owners, the Modifications Committee will take particular care in its review of patio plans to be certain that the patio design is consistent with the existing home and will not significantly interfere with the right of enjoyment of adjacent neighbors.

### Design Specifications:

Patios will only be allowed on the rear of homes, as is shown on the patio prototype. Patios must be at least 3'0" inside the rear property line and 4'6" inside the side property line as shown on the attached plan. Any changes, additions or deletions to this prototype plan must be approved in writing by the Modifications Committee before work commences. The patio material may be brick, which matches the existing brick of the home, pavers or flagstone.

Not all the existing soil in Pleasant Gate appears to be load bearing; therefore, the soil may not support the seating wall as shown on the prototype, unless engineered design measures are taken. Should a homeowner wish to install a seating wall as depicted on the prototype, they must submit a written report from an engineer indicating the ability of the soil to bear the weight of the wall. If non-bearing soils are present, all recommended engineering changes must be undertaken so that the soil can withstand the load weight of the wall without failure. The ACA is not responsible for the engineering of the seating wall design, or the structural integrity of the wall foundation. This design will not be acceptable for all soil conditions.

The patio will require landscape screening as shown on the prototype drawing. Seven shrubs at minimum are required (4-foot height at the time of planting). Recommended evergreen varieties include Upright Japanese Holly, Blue Holly, Boxwood, and Manhattan Euonymus.

### Application:

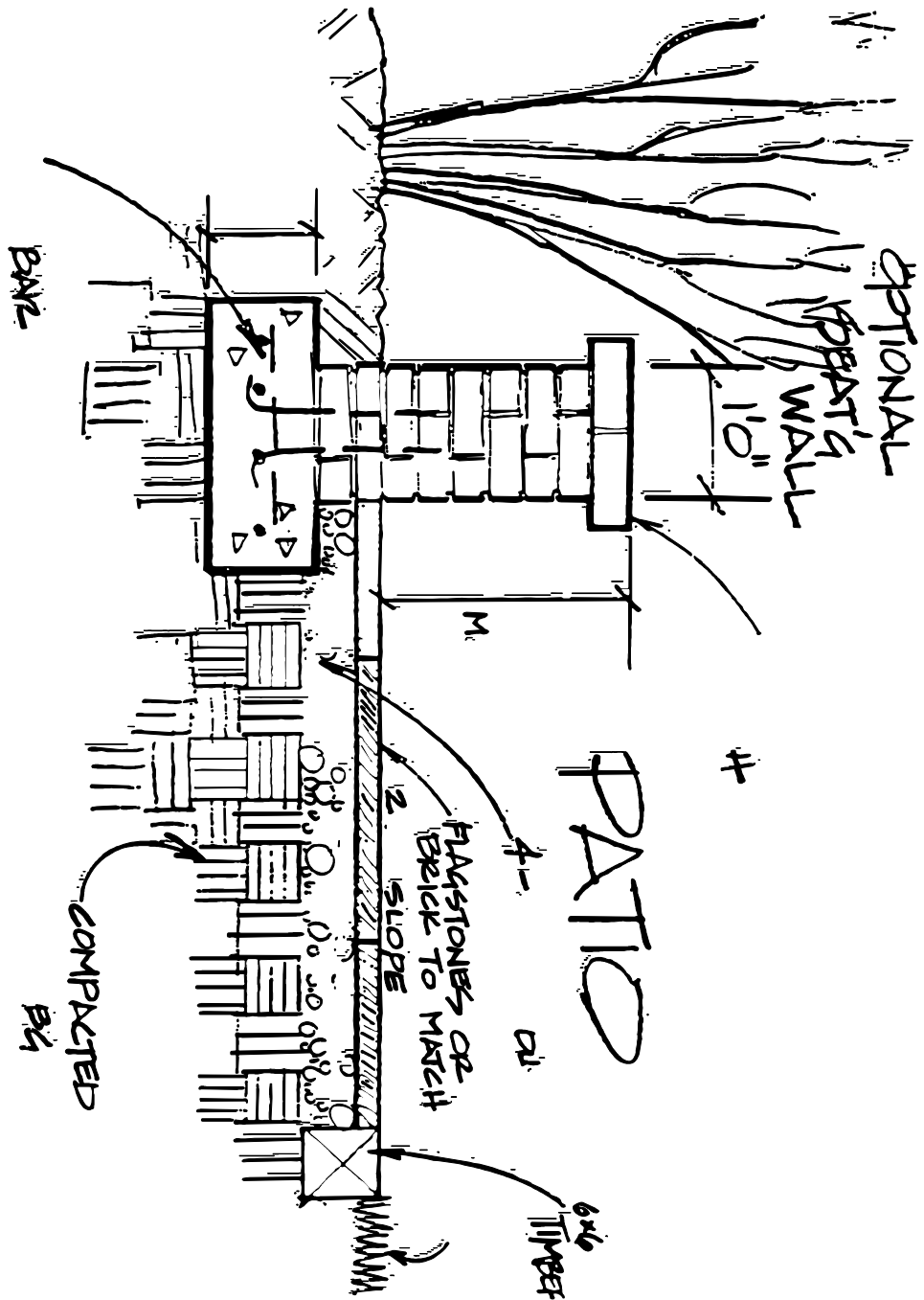
Your application should include:

1. A completed ACA Modification Application form;
2. A to-scale site plan, plat or house location survey indicating the location of the patio with a drawing of the prototype plan and drawing of the prototype section view. Indicate whether the patio will be brick to match the house, pavers or flagstone. Indicate any changes to the prototype drawing, such as removal of the seating wall, addition of walkways, etc.;
3. Size, variety, and exact location of evergreen plant material;
4. Engineer's report for non-professional patio installation.

S T N

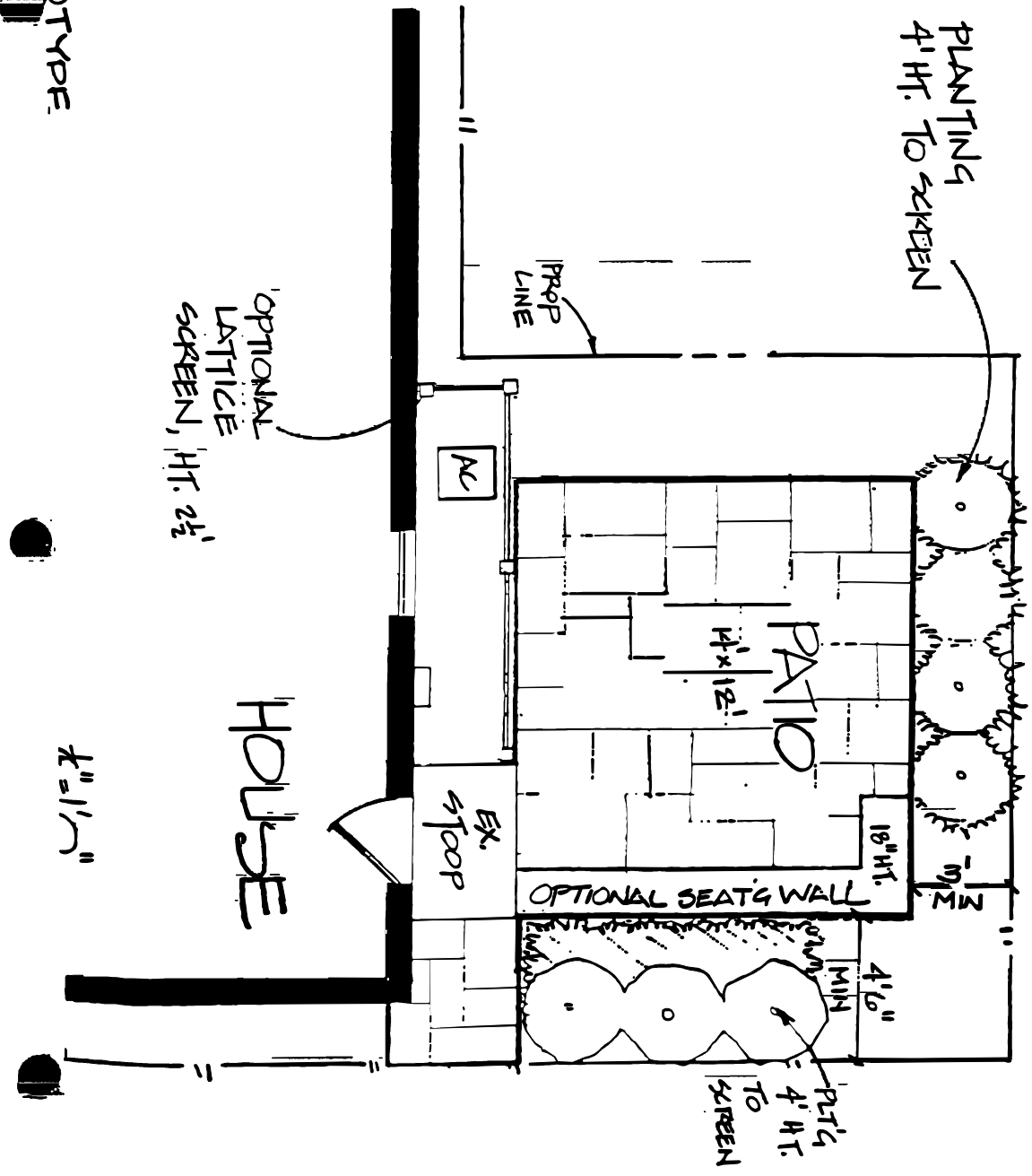
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1/2" = 1'0" SECTION DRAWING





PROTOTYPE



## **PLEASANT GATE STORM DOORS**

### General Considerations:

For Pleasant Gate homes, one specific style of storm door has been approved for use on front and rear doors. (Homeowners other than those at Pleasant Gate who wish to apply for storm doors, see guidelines and specifications for “Screen Doors and Storm Doors”).

### Specifications:

The approved storm door style is Metal Industries “Lexington” Self-Storing, 5040R, or Metal Industries “Regency” Self Storing, 661R. Aluminum with brass lever and deadbolt, white color only. Call your local Building Supply Store for more information on purchase and installation. Should a Pleasant Gate homeowner wish to install a different style storm door, follow the guidelines and submit an application as indicated for “Screen Doors and Storm Doors”.

### Application:

Your application should include:

1. A completed ACA Modification Application form;
2. Indicate whether the storm door is for the front, rear or both doors, and if you propose to install the Metal Industries Self-Storing, or another style.

## **VII. REMOVAL OF EXISTING STRUCTURES**

### General Considerations:

The removal of any building, major additions, fence, wall, landscaping or other natural or structural element which changes the exterior appearance of a given property must be approved in writing by the Modifications Committee.

Removal of minor, less substantial additions such as basketball backboards or play equipment will not require Modifications Committee approval as long as the area is restored back to its original condition.

Materials must be properly disposed of in accordance with local regulations outside of the boundaries of any properties of the ACA.

### Application:

Your application should consist of:

1. A completed ACA Modification Application form.
2. A clear written description and a drawing or photograph of what is to be removed.

## **VIII. STANDARDS FOR MAINTENANCE OF LOT IMPROVEMENTS**

Each owner shall keep his lot and all improvements therein or thereon, in good order and repair and free of debris and consistent with the Community Maintenance Standards. All new construction and modifications shall be maintained in a condition which is substantially similar to the original condition at the time of original construction approval by the Control Committee and or Modifications Committee. Such maintenance includes, but is not limited to:

1. Repainting, staining, or renovating, on a periodic basis as needed, to the exterior surfaces which through damage and/or normal wear and tear; appear substantially different from what was originally approved by the Modifications Committee.
2. Replacement or repair of exterior damage or deterioration of exterior housing materials, such as siding, trim, roofing, doors, shutters, gutters, downspouts, flues, windows and screens.
3. Replacement or repair of exterior damage or deterioration to fences, retaining or screening walls, decks, recreational structures, lighting fixtures, etc.
4. Wood piles shall not accumulate beyond amount necessary for personal use. Firewood shall be stacked only in rear yards in piles which do not exceed eight (8) feet in length and four (4) feet in width. Tarps are not recommended to conceal firewood, and if used must be in earth tones maintained neatly and in good condition.
5. At a minimum the original landscape design and plantings approved for each house as well as any subsequent approved additions must be maintained and must not be allowed to deteriorate through plant loss and lack of replacement.
6. All maintenance standards included in the Community Maintenance Standards.

All exteriors shall be maintained in the original design, color and material unless otherwise approved by the Modifications Committee.

(For additional information, refer to the Declaration, Article IV.)

## **IX. STANDARDS FOR MAINTAINING COMMUNITY AESTHETICS**

The Association often receives calls from homeowners asking whether certain items are prohibited or allowed in Avenel. Below is a partial list of frequently asked about items that are prohibited on lots and within the Community. This list is not all inclusive and residents with questions relating to standards not listed may contact the ACA office. See also the Community Maintenance Standards, which may overlap with the items below but also contain additional maintenance requirements.

1. Signage - Signs including but not limited to contractor, advertising or real estate signs are prohibited unless they are the Avenel approved For Sale/Rent signs which are ordered through the ACA office and installed by ACA staff. Professional security signs that are provided by the security company are permitted without application, as they are deemed by the ACA to be similar in nature to private property signs contemplated in the Declaration, subject to the following requirements: 1) Security signs must be located in close proximity to the front, side or rear doors and should not exceed 10" X 12" in size; 2) the posts must be metal or composite; 3) signs and posts are to be maintained in good condition. The Association reserves the right to require removal or to not approve any sign that does not meet the above criteria.
2. Window Air Conditioning Units are prohibited.
3. Car Covers (may be permitted on a temporary/short term basis only if approved by the ACA).
4. No large diameter metal pipes for venting gas furnaces, water heaters, fireplaces or other equipment should protrude from roof line. Exposed metal ridge vents are prohibited.
5. Skylights are permitted with prior approval on rear elevations only.
6. No inoperable or untagged vehicles are permitted on the streets or parking lots within Avenel.
7. No wire or raised edging along beds or walkways, either functional or decorative, unless incorporated into an approved landscape plan.
8. Soliciting is prohibited to the extent enforceable by law. Please report any solicitation activities to the ACA offices and the Montgomery County Police.
9. Dumpsters, storage units, and porta-johns require ACA approval prior to installation and when on site should be emptied regularly and maintained in good clean condition, with no peeling paint, rust or other damage. Units should be dark green, brown or a similar earth tone color and should be contained on the lot whenever possible. Residents seeking approval must complete a request form available at the ACA office and obtain guidelines for the placement of these temporary structures. Any damage to common areas or streets caused as a result of such temporary structures will be repaired at the sole expense of the owner. Dumpsters should be placed on plywood or other material to avoid damage.

## **X. APPLICATION PROCEDURES -- MODIFICATIONS**

Modifications Committee meetings are held on the second Monday of each month. Modification Applications must be submitted by the first Monday of each month. Applications submitted after the first Monday of the month will be placed on the agenda for the following month. Residents wishing to attend the meeting to provide the Committee with additional information and/or clarifications are welcome to do so. Residents planning to attend a Committee meeting should contact the ACA in advance to schedule an appropriate time. Meeting dates may occasionally be rescheduled should the Committee determine that it will be unable to achieve a quorum for a particular meeting.

1. A completed and signed ACA Modification Application form. -

The Modifications Application Form is attached. The form is also available on ACA's Website @ Liveatavenel.com or may be picked up at the ACA offices located at:

9501 Beman Woods Way  
Potomac, Maryland 20854  
(301) 299-5916

For detailed information on the New Construction Application procedure, please contact the ACA at the address above.

2. Read your homeowner's manual for a full understanding of the architectural guidelines and architectural review process.
3. Develop your plan in writing and consider the impact on your neighbors.
4. Submit the completed application and all required plans and specifications, as clearly and thoroughly as possible to the ACA (address noted above).
5. For Major Additions only, enclose the initial application fee made payable to: AVENEL COMMUNITY ASSOCIATION, INC. as stated in the Schedule of Fees. Major Additions include, but are not limited to the following: home additions, garages, porches, sunrooms and such large projects where full architectural drawings are necessary for review and/or the complexity requires the Modifications Committee to seek outside consultation from architects, engineers or, other similar consultants. As the Modifications Committee may in its discretion deem a project to be a Major Addition, the applicant may be required to submit the application fee if the project is deemed a Major Addition after initial review. As the fee is intended to cover the costs incurred by the Committee in reviewing the application, any unused portion will be returned.
6. The precise location of all proposed improvements should be marked or flagged for on-site inspection. For example, mark the perimeter or corners of a proposed play set, sports court, home addition, etc. Flags for marking can be obtained from the ACA office upon request.
7. Your application will be processed by the Modifications Committee on a first come, first served basis.

8. A staff member of the ACA will review your application to determine if the information provided is sufficient for the Modifications Committee to be able to review it. If not, you will be asked to provide additional information.
9. The completed application is then forwarded to the members of the Modifications Committee for their consideration and response.
10. If the Modifications Committee requires consultations with an architect, engineer or other consultant for the review of the Application of a Major Addition or new construction, the applicant may be required to submit additional funds to cover these costs and any additional administrative costs. Any unused portion of these additional funds will be returned to the Applicant upon completion of the review process
11. The Modifications Committee will provide you with their written response (approval, disapproval, approval with conditions or current status) through regular mail within sixty (60) days after the full and complete application package has been received. Conceptual approval of an application is not a guarantee of final approval. The Committee may require that additional information be submitted. If additional information is required by the Committee, the application shall not be considered complete to initiate the sixty (60) day approval/disapproval period until the additional information is received.
12. All approvals for modifications must be in writing in accordance with the Governing Documents and these Architectural Guidelines. Oral approvals are not considered binding.
13. If an application for review is rejected, the applicant is free to request that the Modifications Committee reconsider its position and may present new or additional information, which might clarify the request or demonstrate its acceptability. Homeowners may also attend the Committee meeting to discuss their application. If the application is rejected a second time, decisions may be appealed to the Avenel Board of Directors. Appeals to the Board must be made in writing and received within 15 days of the date of the notice of rejection. Residents appealing a decision of the Modifications Committee may attend the Board meeting in person. Decisions of the Board will be final.
14. If applicable, prior to commencement of any work, the applicant shall submit to the Committee the requisite deposit as provided in the Schedule of Fees to cover damages to ACA property and/or to assure compliance with the Governing Documents and the Guidelines.
15. All changes, alterations, or modifications approved by the Modifications Committee shall be completed in accordance with the approved plans within a period of one year from their commencement. The commencement of the work shall occur within six (6) months after approval by the Modifications Committee.
16. Approvals of Modifications that have not commenced within six (6) months from the date of approval are considered null and void and owners must reapply for approval of the modification.
17. Neighbor notification: As a courtesy to neighbors, the ACA highly encourages that the Applicant inform neighbors of all Modification Applications and advise that the proposed plans are available for review at the ACA office. The ACA requires owners to notify all

adjacent and/or affected neighbors(s) of a request for any Application for Major Addition. While neighbor comments are not binding on decisions of the Modifications Committee, their written comments will be taken into consideration. The responsibility to inform affected neighbors rests entirely with the Applicant. Submission of a Modification Application confirms that appropriate notice has been given to neighbors.



## **XI. APPLICATION PROCEDURES – NEW CONSTRUCTION**

The procedures applicable to new construction applications shall be the same as that applicable to modification applications.

## **XII. AVENEL COMMUNITY ASSOCIATION MODIFICATION APPLICATION**

THE MODIFICATIONS COMMITTEE MEETS MONTHLY ON THE SECOND MONDAY OF THE MONTH. PLEASE BE SURE TO SUBMIT YOUR APPLICATION TO THE ACA OFFICE BY NOON ON THE FIRST **MONDAY OF THE MONTH**.

### **INSTRUCTIONS:**

Please provide detailed information on all proposed modifications, alterations, and improvements on your lot. Be sure to include color, material, design, dimensions, layout, landscaping, and any other details, which might clarify your proposal for the Modifications Committee. Then attach any detailed sketches, architectural plans, and a specification sheet and, where applicable, the application fee. A written response to your application will be provided through regular mail within sixty (60) days after the full and complete application package has been received. The application will not be considered complete if the Modifications Committee has issued notification that additional information is required. The application will not be considered complete triggering this sixty (60) day period until such requested additional information has been submitted.

Terms used herein shall have the same meaning as that contained in the Architectural Guidelines or if not defined therein as contained in the Covenants and Declaration.

The completed application, along with supporting documentation, should be sent to the Modifications Committee. Submissions may be in the form of a **PDF** or on **paper** and addressed to the Avenel Community Association, 9501 Beman Woods Way, Potomac MD 20854, faxed to 301-299-7169 or emailed to [colby@liveatavenel.com](mailto:colby@liveatavenel.com). Dependent on the size of the drawings, the Association may require at least one full set of to scale architectural/drawings on paper. More copies may be required at the discretion of the Association. Aside from architectural plans/drawings, submissions should not exceed 11"x17" in size.

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE#: \_\_\_\_\_

\_\_\_\_\_ LOT# \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

### **PROPOSED CHANGES:**

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ESTIMATED STARTING DATE: \_\_\_\_\_ COMPLETION DATE: \_\_\_\_\_

- Approvals granted by the Modifications Committee are done so on a case by case basis. The Committee's goal is to preserve Avenel's traditional quality by maintaining the continuity within each village and the community wide high aesthetic standards that are unique to ACA. Applications are reviewed to be in compliance with the Governing Documents and the Architectural Guidelines. The Modifications Committee members and ACA staff, and their consultants, if any, have the right to enter upon applicant's property in review of this application. All communication regarding this application should be directed to the ACA office staff.

- Approvals in no way indicate that the Modifications Committee has made engineering reviews or conducted physical surveys relative to the proposed change. Although the Modifications Committee may engage the services of consultants to provide assistance in the review process, such consultation relates solely to review for compliance with the Guidelines and the Governing Documents and is not intended to be a review of codes or structural analysis. The applicant retains all responsibilities associated with such compliance.
- The undersigned applicant hereby acknowledges sole responsibility to ensure that the proposed changes do not adversely impact drainage or other environmental and topographic conditions, that any and all changes shall be located on applicant's lot, that all permits required are obtained, and that the changes are in compliance with the laws of both Montgomery County and the State of Maryland and any other applicable laws. By submitting this application, applicant understands and acknowledges that there may be various zoning, building and safety code requirements that may be applicable to the proposed modification and that the applicant, and not the ACA and its consultants, shall remain responsible for compliance with the same.
- Applicant further understands and acknowledges that ACA's approval in no way indicates compliance with any applicable codes and that such approval assumes that the applicant will comply with any applicable codes. In addition, the undersigned applicant hereby indemnifies and holds harmless the Modifications Committee and the ACA and its consultants (the "Indemnities") from any and all claims, losses, expenses, (including attorney's fees) or damage incurred by the Indemnities arising from or as a result of the approval of the Modifications Committee or the construction of any approved modifications, alterations, or improvements.
- It will be the homeowner's responsibility to obtain the applicable building permits from Montgomery County, as well contacting Miss Utility (1-800-257-7777) prior to any digging. All side and rear yard lot lines as well as any other building restriction lines and conservation easements must be strictly adhered to.
- The Committee reserves the future option to require landscaping for screening purposes.
- The applicant acknowledges that construction must commence within six (6) months of approval and be completed within one year from commencement that all modifications shall comply with the Governing Documents and these Architectural Guidelines and any approval conditions and that Modifications that have not commenced within six (6) months from the date of approval are considered null and void and owners must reapply for approval of the modification.

SIGNATURE OF APPLICANT \_\_\_\_\_ DATE \_\_\_\_\_

DATE RECEIVED \_\_\_\_\_ LOG # \_\_\_\_\_

*\*Fees are payable by check made out to the "ACA". All fees collected are held in non-interest bearing accounts*

**XIII. AVENEL COMMUNITY ASSOCIATION - NEW CONSTRUCTION APPLICATION -  
SITE PLANS FOR LOT\_\_\_\_, BLOCK\_\_\_\_\_**

Name of owner of lot: \_\_\_\_\_

If owner is a builder, indicate if dwelling is to be:

Spec.: \_\_\_\_\_ or Custom: \_\_\_\_\_

Square feet of interior floor space (excluding garage, basements, porches, attics and other nonliving areas):

First Floor: \_\_\_\_\_ square feet

Second Floor: \_\_\_\_\_ square feet

Roofing Materials: \_\_\_\_\_ Color: \_\_\_\_\_

Manufacturer: \_\_\_\_\_ Style Name or # \_\_\_\_\_

If roofing material is other than slate or cedar shakes, provide literature which shows a photograph of appearances and all specifications.

Brick manufacturer: \_\_\_\_\_ Style name or # \_\_\_\_\_ Color \_\_\_\_\_

Attach a copy of house plans having a scale of not less than ¼ inch for each foot and showing detailed drawings of interior and exterior. All exterior elevations to be marked with type and color of construction and finish materials.

Attach copy of full detailed landscape plan for site at a scale of not less than 1 inch for each 30 feet. Be sure that attached plans show the following information (ACA will rely upon survey information provided by the applicant and will not make an independent review. Applicant accepts all responsibilities associated with such surveying.):

☐ Distances of:

Setback from lot line;

Left side yard, building to lot lines;

Right side yard, building to lot lines;

Rear yard, building to rear lot line.

☐ Exterior lighting scheme over entire lot and on each exterior building elevation.

☐ Garage and parking areas.

☐ Swimming pool

☐ Tennis Courts

☐ Fencing, if applicable (which is only permitted in special circumstances).

☐ Walls.

☐ Walkways, driveway and any other improvements to site, location and type of material.

☐ Siding material – type and color.

☐ Shutters – type and color.

☐ Trim – type and color

Estimated current value of dwelling, including land; \$ \_\_\_\_\_

Additional comments, if any, important to the New Construction Committee’s review and understanding of the construction, site, and landscape plans:

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This submission made by: \_\_\_\_\_

Signature Date

NOTE: AN APPLICATION FEE AS PROVIDED FOR IN THE SCHEDULE OF FEES MUST ACCOMPANY THIS APPLICATION.

Following final plan approval an additional deposit as provided for in the Schedule of Fees is required to be held by the Association until such time as all landscaping, mailbox construction obligations are fulfilled, as further described in Amendment “A” of this application or to obtain compliance with the Governing Documents and Guidelines. The deposit will also serve to cover the costs of any damages caused by the construction activities to Association common area property and facilities.

Checks should be made payable to: The Avenel Community Association

## **AMENDMENT “A”**

### **TO THE APPLICATION FOR REVIEW TO THE MODIFICATION COMMITTEE FOR “AVENEL” FOR APPROVAL OF CONSTRUCTION AND SITE PLANS FOR LOT \_\_\_\_\_ BLOCK \_\_\_\_\_**

We, the undersigned, hereby acknowledge that we have read and understand the following which pertain to new construction at Avenel.

The Avenel Community Association homeowner’s manual, with particular emphasis on the following sections:

- a. Introduction to the Avenel Community Association.
- b. Declaration of Covenants, Conditions and Restrictions for Avenel Community Association and the Declaration of Protective Land Use Standards
- c. Design and Modifications Guidelines

As evidence by the signatures below, we acknowledge that we have become familiar with the above requirements and that the application hereby submitted is in compliance therewith. Furthermore, we understand that should any construction be undertaken before approval by the Modifications Committee and/or any construction undertaken at variance with what has been approved by the Modifications Committee, corrections will have to be made by the owner/builder at the owner’s/builder’s expense. We also agree not to commence any clearing of trees or construction on the above referenced lot until we have submitted and have received approval in writing from the Modifications Committee for an explicit plan showing the limits of disturbances of any natural vegetation on the lot. This plan will clearly delineate which existing trees are to be removed and which existing trees are to remain.

As stated in the Declaration of Protective Land Use Standards, Use Restriction C.5, no tree larger than eight (8) inches in diameter (measure two feet above the ground) or more than twenty (20) feet in height shall be removed from such land or destroyed without the written approval of the Modifications Committee, said permission not being required for removal of dead trees or deadfalls. Accordingly, we hereby agree to identify any such trees to be removed on site with brightly colored tape so that such trees may be easily identified by the Modifications Committee.

Furthermore, we agree that all monies held in escrow by the Avenel Community Association for landscaping and/or mailbox obligations or potentially refundable portions of application fees, shall serve as security for all obligations we have in relation to all of the above, including, but not limited to any damage done to existing development work such as curbs, street trees, rights-of-way, etc.

We the undersigned further understand that if a partial approval is granted in the future in order to accommodate the undersigned (i.e., your approval to start construction is granted but other items such as, but not limited to, landscape plans, brick type, colors, etc., are still outstanding) it will be given conditioned upon the receipt of all remaining information to be provided for the site and the house as required by the covenants and guidelines of the Architectural Modifications Committee. The undersigned agree and understand that the start of construction would be taken at their risk with respect to not having complete approval of the entire home and site landscape plan. It is further understood that the Modifications Committee may seek an injunction to stop construction at any time should the construction reach a stage at which the Modifications Committee in its sole discretion feels that it required the missing information and/or is not satisfied with future data submissions and fails to find it appropriate to approve the full construction and site plan requirements. In furtherance of the

objective to accommodate the undersigned with partial approval but to not compromise the Modifications Committee in the complete fulfillment of the fiduciary duties, the undersigned hereby recognize, understanding and permit the filing and granting of an injunction with an appropriate court in Montgomery County, Maryland, without prior hearing as necessary procedure for the Modifications Committee to exercise its responsibilities and authority and the undersigned do hereby waive, to the extent permitted by law, any notice, hearings, rights to contest, appeals, stays, arguments against such injunctions, and other rights it may have, and accept by way of confessed judgment the issuance of an injunction by a court of appropriate jurisdiction.

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Signature of Owner Date

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Signature of Builder Date

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Signature of Architect D