

# MILESTONE ARCHITECTURAL REVIEW HANDBOOK

HOMEOWNERS ASSOCIATION  
ARCHITECTURAL REVIEW COMMITTEE

Updated X/X/2025

## The Architectural Review Committee Statement of Intent

It is the purpose of the Architectural Review Committee (ARC) to maintain the original architectural design and integrity of the Milestone community. This design intent is the underlying guideline for decisions made by the ARC. Therefore, all requests for exterior modifications, house additions, or accessory structures are reviewed by the ARC with this guideline as a standard. However, applications are reviewed on an individual basis. The Milestone ARC acknowledges that building materials and technologies are constantly changing, and, therefore, will implement improved systems when they can be appropriately integrated with the original architectural intent of the community.

## Acknowledgment

This handbook has used the Montgomery Village Residential Design Manual, published by the Montgomery Village Foundation, as a model document. The Milestone ARC gratefully acknowledges the helpful assistance of the members of the Montgomery Village Architectural Control staff and Architectural Review Board in the preparation of this handbook.

## Summary of changes

March 1997	Original Publication
May 2022	Updates to the timing and participation of ARC Reviews
	Updates to the process of identifying Violations
	Adds vinyl to the types of allowed fencing material
	Allows sheds in rear yard locations, not directly attached to the house
	Allows the installation of solar panel systems
July 2025	Updates to ARC membership and processes
	Adds non-portable trampolines to the list of items requiring ARC approval
	Allows composite material use for decks
	Moves ARC application and checklists to the Property Manager's website
	Adds raised bed gardens to the list of things requiring ARC approval
	Clarifies that permanent exterior lighting must use clear or white light bulbs
	Allows portable basketball backboards, with some restrictions, without ARC review

	Requires an annotated property plot map or survey accompany applicable ARC requests
	Clarifies that ARC approval timeline (60 days) does not start until all required information is submitted

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## **INTRODUCTION**

This handbook has been prepared by the Milestone Architectural Review Committee (ARC). It is a compilation of the general guidelines and policies which maintain the architectural standards of Milestone, as provided in section 6.4 of the Declaration of Covenants. This handbook is a revision and extension of the Design Guidelines adopted August 21, 1995. The purpose of this handbook is to increase homeowner's understanding of the architectural criteria and covenants which protect and sustain the value of our property. It also provides guidelines should you be considering improvements to your property and offers assistance with the Architectural Change Application (ACA) process. This manual also provides uniform guidelines to direct the ARC and Property Manager. These guidelines are used when the ARC reviews improvement requests and enforces architectural criteria. These guidelines will serve as a valuable reference source and will familiarize homeowners at Milestone with the objectives, scope, and application of architectural guidelines and standards which are intended and will be employed to maintain the property values, aesthetic appearance, and environmental quality of the Milestone Community. The guidelines also provide continuity between successive Architectural Review Committees. The guidelines presented in this handbook are subject to periodic review and update by the ARC and the Milestone Homeowners Association Board of Directors. Amendments to the guidelines may be made to reflect changes in conditions, building materials, or building technology. All homeowners are encouraged to familiarize themselves with the contents of this handbook and to keep it as a ready reference guide. It should answer many of the questions you may have about Architectural Control. However, additional information or guidance may be obtained by contacting the Property Manager. As approved by the Milestone Homeowners Association Board of Directors on June 17, 1996, the name of the committee charged with handling architectural issues was changed from the Covenants Committee (indicated in the Covenant documents) to the Architectural Review Committee (ARC). The terms Property Manager and Management Agent may be used interchangeably in this and other Milestone Homeowner Association documents.

## **ARCHITECTURAL CONTROL**

The developers of Milestone implemented a system of "Architectural Control" to assure that the original plan for the design and use of land and homes within Milestone would not be altered or changed. Architectural Control has been established by adding protective covenants to the deeds of all residential property in Milestone. Architectural Control works to the benefit of all residents of Milestone. Architectural Control protects you from actions by your neighbors which could diminish the appearance of your community. Architectural Control helps protect the value of your property and your investment in Milestone.

**WHAT ARE THE COVENANTS?** The legal documents for Milestone contain covenants - rules and regulations for community living - including those pertaining to architectural controls. Legally, these covenants are a part of the deed for each home and are binding upon all initial and successive homeowners, irrespective of whether or not these owners are familiar with such covenants. Homeowners should be generally familiar with the requirements of the covenants and should always refer to them when contemplating any additions or modifications to their dwelling or lot. The primary purpose of design covenants is to maintain environmental and architectural design standards for the entire community. The promulgation and enforcement of design standards is intended to achieve the following objectives:

1. Preserve property values;
2. Maintain consistency with the overall design concept for the community;
3. Promote harmonious architectural and environmental design qualities and features; and
4. Promote and enhance the visual and aesthetic appearance of the community.

Homeowners who reside in association communities which enforce design covenants are protected from actions of neighbors which can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home. A copy of the covenants is provided to all homebuyers at settlement as required by the Maryland Homeowners Association Act. It is important that you read these documents and understand the policies which affect your community. Please note that this handbook addresses only architectural issues; the covenants also establish use restrictions (for example, on the use of lawn ornaments - see Article 7 Use Restrictions). Complaints regarding violations of these provisions of the covenants should be brought to the attention of the Property Manager.

**WHAT ARE THE ARCHITECTURAL CRITERIA?** The architectural criteria are guidelines and standards which help to preserve the appearance or design style of the neighborhood. The

Milestone Homeowners Association, its ARC, and the property management company strive to uphold these standards thereby maintaining the original design intent of a community.

WHO ENFORCES ARCHITECTURAL CONTROL? The Milestone Homeowners Association Board of Directors, with the assistance of the Property Manager, has the legal authority to enforce the architectural standards of Milestone.

## **THE ARCHITECTURAL REVIEW PROCESS**

IS IT TRUE THAT I NEED APPROVAL FROM THE ARC BEFORE MAKING ANY CHANGES OR IMPROVEMENTS TO MY HOME? Yes. In most cases, you must seek approval from the ARC prior to making any changes to the exterior of your home. Included are both temporary and permanent changes as well as removal of existing or original items. The covenants state that "No building, fence, wall, mailbox, or other structure shall be commenced, erected, or maintained ... or shall any exterior addition to or change or alteration therein be made ... until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by a covenant committee composed of three (3) or more representatives appointed by the Board of Directors of the Association..." On June 17, 1996 the Board of Directors of the Milestone Homeowners Association approved a motion to give the Covenant Committee a new name, the Architectural Review Committee, to reflect the primary function of the committee - reviewing ACAs.

Notice: Starting a project prior to receiving written approval may result in a fine.

ARE THERE ANY EXCEPTIONS? Yes, there are several exceptions. They include:

1. Repainting using the **original color**.
2. Minor landscaping, such as the planting of small shrubs around foundation (see section on landscaping guidelines).
3. Repairs or replacements which use the original type, size, and color of materials.

HOW DO I APPLY FOR APPROVAL TO THE ARC? You will need to submit an ACA to the Property Manager. The Milestone HOA web page ([milestonehoa.net](http://milestonehoa.net)) will contain a link to the current property manager's website. Applications are available by calling the Property Manager, or by visiting the owner's portal on the Property Manager's website. When completing the application, it is important that you provide sufficient information about your proposed improvement. This manual, as well as instructions provided with the ACA, describe the information that is needed for each type of request. In addition, there are submission checklists available for several types of modifications. These checklists were designed to assist

homeowners by clearly stating what information is necessary for the ARC to adequately review the request. If your application contains insufficient or inaccurate information, it may be returned and you will be asked to resubmit. For major modifications, it may be necessary to have a professional architect or designer draw a set of plans. The Property Manager is available to answer questions about the ACA process.

**HOW LONG DOES THE APPLICATION PROCESS TAKE?** The ARC receives completed applications from the Property Manager as they are submitted. ARC members review submitted applications, allowing for approval, denial, or requests for missing and/or amplifying information. Members of the ARC may visit the property as necessary to better understand an application. If necessary, the ARC will meet (in person or virtually) to discuss applications that require additional consideration. Homeowners may be requested to attend meetings if detailed explanations are necessary. Once a decision has been made by the ARC, the Property Manager will notify the homeowner. The covenants specify that the ARC must review each application within 60 days of submission. If not reviewed within 60 days after all the required documentation is submitted, the request is considered approved.

**IS THERE A CHARGE FOR FILING AN ARCHITECTURAL CHANGE APPLICATION?** The Board or the ARC has the authority to charge a reasonable fee for reviewing each application in an amount not to exceed the costs actually incurred by the Board or the ARC. This fee is generally waived if the application is submitted prior to start of construction.

**CAN I ATTEND THE MEETING WHEN THE ARC REVIEWS MY APPLICATION?** No. The reviews are typically conducted electronically and there is no provision to attend as the meetings are not normally scheduled. However, a homeowner may be invited to discuss their request if additional dialog is necessary and may request a meeting with the ARC, that may be accommodated.

### **ARC DECISION MAKING**

The ARC members are your neighbors who have volunteered to serve the community and have an interest in helping to maintain and enhance the appearance and property value of the Milestone development. The ARC reviews all ACAs. Each request is evaluated on its own merits. What may be approved for one location may be denied at another. To assist in decision making, the ARC may visit your property or view your property on video tape or on online maps to determine how the proposed improvement will impact your property and the surrounding neighborhood. A decision to approve, approve with conditions or modifications, or deny the application will be made by a quorum vote of the ARC (see APPENDIX C). It is the responsibility of the homeowner to determine if the proposed modification requires a County Building Permit, and to secure such permits as necessary.

HOW DOES THE ARC EVALUATE AN APPLICATION? The ARC appreciates a homeowner's efforts to improve the appearance of the home or property, and wants to work with that homeowner when a request is received for an exterior modification. The committee strives to make objective decisions, considering the following factors in reviewing each application:

1. Conformity - does the proposed change or addition comply with established, approved criteria as outlined in this manual and to the overall design intent of the community?
2. Compatibility - is the proposed change or addition compatible with the architectural characteristics of the applicant's house, adjoining houses, and surrounding neighborhood? Compatibility is defined as similarity in architectural style, quality of workmanship, use of color, materials, and construction detail.
3. Location - does the change or addition relate favorably to the existing structure, landscape, and neighborhood? Consideration is given to access, view, and impact on neighboring properties, and the community in general.
4. Size - is the change or addition in proportion with adjacent structures and surroundings?
5. Color and materials - do the proposed colors match the color palette of the community? Do the colors and materials blend harmoniously with the existing structure and surrounding neighborhood?

HOW ARE THESE GUIDELINES UPDATED AND AMENDED? The committee periodically reviews the architectural criteria and guidelines. As changes in conditions, building materials, and building technology occur, the committee may recommend modifications to the existing guidelines. Proposed changes to the ARC Handbook will be made available to homeowners for comment prior to presentation to the HOA Board for approval.

MY APPLICATION WAS APPROVED. NOW WHAT? Upon receiving notification of approval, you may proceed with the proposed improvement. The project must be started within six months of approval and completed within twelve months of approval, unless extenuating circumstances preclude its completion in this amount of time. The homeowner is responsible for communicating to the ARC any delays that will push any improvements past the year as soon as possible.

PLEASE NOTE: ARC approval is granted upon the aesthetic and design merits of the proposed improvement. For certain improvements, it may also be necessary to secure a county building permit. ARC approval does not guarantee that the proposed improvement will meet county code standards.

MY APPLICATION WAS APPROVED WITH CONDITIONS. WHAT DOES THAT MEAN? In some cases, applications may be approved by the ARC only if certain conditions are followed. The returned

application will specify those conditions or modifications. It is your responsibility to complete your project in accordance with those conditions. If you do not agree with the committee's modifications, you may resubmit an application or appeal to the Board of Directors.

**MY APPLICATION WAS DENIED. NOW WHAT?** An application might be denied due to:

1. You did not submit sufficient information for the ARC to make a decision, in which case you will be asked to resubmit your application with the necessary information.
2. Your proposed changes/additions may not conform to established criteria, or does not blend into the style of the existing house or community.
3. Your proposed changes/additions pose a hazard to the property and/or adjacent properties.

If you do not agree with the ARC's decision, you may appeal the decision to the Board of Directors of the Association, and again, the Property Manager is available to assist you in this process. Should you proceed with the denied improvements, you could risk considerable inconvenience and expense. The Board has the legal authority to halt construction or require that an unapproved improvement be returned to the original condition, at the homeowner's expense.

### **THE APPEAL PROCESS**

While the Board of Directors and its ARC try to be fair, reasonable, and flexible, you may not agree with our reasons for denial of your proposed modification. Therefore, a procedure has been established to allow residents to appeal the decision of the ARC. All appeals are made to the Board of Directors of the Association.

**HOW DO I APPEAL AN ARC DECISION?** An appeal to the Board of Directors can be made by contacting the Property Manager. The Property Manager will schedule a hearing with the Board, usually just prior to its regularly scheduled monthly meeting. You are welcome to attend the meeting, however, attendance at the hearing is not mandatory. The Board will make a decision based on majority vote.

**WHAT IF I DON'T AGREE WITH THE DECISION OF THE MILESTONE HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS?** Montgomery County mediates/arbitrates disputes between homeowners and associations. The Property Manager can direct you to the appropriate county office.

### **ARCHITECTURAL VIOLATIONS**

The Board of Directors of the Milestone Homeowners Association has the legal authority to uphold the architectural standards and covenants of Milestone. In fact, the Board and its ARC

can be held legally responsible if it fails to uphold the covenants. Because of this, we take all violations seriously.

**HOW ARE VIOLATIONS REPORTED?** Violations are reported to the Board in a number of ways. The Property Manager often finds violations during the course of normal business. The ARC may discover violations while conducting inspections. The Property Manager performs periodic walkthroughs of the community to identify violations. The Property Manager and Board also welcome reports from concerned neighbors and residents. It is the responsibility of the entire community to keep Milestone attractive and well-maintained. Any concerned resident may call or direct a letter to the Property Manager to report a suspected architectural violation.

**WHAT HAPPENS WHEN A VIOLATION IS REPORTED?** The Property Manager will investigate all reported violations. If there is an approved ACA on file and no violation exists, the case will be closed. If an improvement was made without prior ARC approval, the homeowner will be notified and will be asked to submit an ACA within two weeks. The ARC will review the ACA and make a decision. If approved by the ARC, no further action is taken. If the improvement is denied, the homeowner will be asked to take corrective action by a specific date. If an improvement was made after the ARC denial or in disregard to modifications or conditions imposed by the ARC, the homeowner will be notified of the violation and will be asked to take corrective action by a specific date.

**WHAT CORRECTIVE ACTIONS CAN THE BOARD OF DIRECTORS REQUIRE?** The Board has the legal authority to require that an improvement be modified, removed, or returned to the original condition. This requirement could lead to significant inconvenience and expense to the homeowner. Therefore, it is extremely important to receive prior approval of the ARC before beginning any exterior improvement projects.

**CAN I APPEAL A VIOLATION DECISION?** Violation decisions can be appealed through the process described in Appendix C. For further details, contact the Property Manager.

## **ARCHITECTURAL GUIDELINES**

The following pages contain information on guidelines used by the ARC in its review of residential architectural modification requests. These guidelines represent the standards which the ARC adheres to when considering applications for exterior modifications. The ARC is mandated to uphold the predominant character of the community, and design intent of the developer. While over the years approved modifications will add new features and structures to many homes, the overall look or design will not be altered. Exceptions to these guidelines may be granted in special cases where there is a conflict with other regulations (such as the Americans with Disabilities Act). Unless specifically indicated otherwise, all of the architectural changes listed below require prior application and approval.

### **AIR CONDITIONING UNITS/HEAT PUMPS**

The Committee will not approve applications for installation of window or wall air conditioning units. Relocating exterior central air conditioning units and heat pumps will be considered. When installing or relocating a heat pump or air conditioning unit, please take into account adjoining properties. Application and approval are not required to replace a heat pump or air conditioning unit in the original location.

### **ANTENNAS AND CABLE TV WIRES**

In accordance with the Telecommunications Act of 1996 and the implementing regulations, an exterior antenna is permitted to be located on the homeowners property. Any such installation must be done in a professional manner and all cables must be concealed. The antenna must create the least visual intrusion possible (while still providing an acceptable quality signal) and screening may be required. The installation must conform to the manufacturer's guidelines and any Montgomery County safety, zoning, and other applicable requirements. The following guidelines are to be followed for antenna installations:

1. Rear yard or rear roof installation is preferred where possible. The antenna must be mounted at the lowest height that provides an acceptable signal. If installed on the ground, the antenna must be screened from view from the street and all adjacent properties.
2. The antenna should not be visible above the peak of the roof.
3. Please submit the following information for antenna installations:
  - a. Specific mounting location and details including height above grade.
  - b. Cut sheet, manufacturer's brochure, or picture of antenna, along with a description of the type of antenna.

c. Location shown on property plot map or survey.

Antenna, cable TV, or other types of wires should be concealed next to downspouts, house trim boards, or in the recessed areas of the house to the extent possible. Disconnected or non-working antennas should be removed.

### **ATTIC ROOF VENTILATORS**

Attic roof ventilators should not be required with most homes in Milestone, as the homes are constructed with a ridge vent system. Additional ventilators are permitted with approval if painted the color of the house roof. They must be mounted to minimize their visibility from the street. Turbine ventilators will not be approved.

### **AWNINGS**

Applications for fixed door or window awnings will not be reviewed or approved by the ARC. However, applications for retractable awnings will be considered for rear locations to shade a deck or patio.

### **BASKETBALL BACKBOARDS**

Basketball backboards are generally to be placed on poles located along driveways. Poles must be black in color. Backboards should be plain, either transparent or white. Each request for a permanent backboard will be reviewed on an individual basis taking into consideration location, lot configuration, and impact on adjoining neighbors. Applications for backboards attached to the house will generally not be approved unless the design clearly indicates that such application can be accomplished in an aesthetically pleasing manner. Waterbase ("portable") backboards do not require ARC review and approval, however they must adhere to the following:

1. Be placed in a location that does not impact street parking, full use of sidewalks, or the ability of neighbors to use the full extent of their property.
2. Bags of mulch, sand, and the like are not to be used to ballast the base of portable backboards.
3. Backboards must be in good repair and removed if no longer in use.

### **BAY AND BOX WINDOWS**

All bay and box windows must match the architectural style of the house. Bay and box windows should be the same size and style as those originally available from the builder in the same location on the same model. The roof of the window must be standing seam copper, or it must use shingles which match the house roof (depending on window style). The trim of the window

must match the existing house trim color. Each application will be reviewed based on the compatibility of the location requested with architectural design of the house.

### **BENCHES**

Benches are permitted on decks, screened porches, and patios. Permanent, built-in benches require approval.

### **BLINDS**

**Window blinds and shades that are visible from outside the residence shall be in good repair and of a consistent style. It is permitted to have different style blinds/shades on opposite sides of the house.**

### **BOTANICAL GREENHOUSES**

Greenhouses are not permitted. Greenhouse windows require ARC approval (see GREENHOUSE WINDOWS).

### **CHIMNEYS AND METAL FLUES**

Chimneys for fireplaces installed on the exterior of homes must match both the design and materials of original chimneys on similar houses in the community. With the exception of the short side-exiting exhaust flues used for gas fireplaces (which do not extend past the roofline), all chimneys must be brick, and the brick must match the house brick (if any). No exposed metal flues (chimney stacks) will be allowed on the exterior walls of any homes. Flues will be considered on the upper 2/3 of rear roofs.

### **COMPOST CONTAINERS**

Only leaves and grass may be composted and the compost bin (one per lot) must be no larger than 3 feet in width and 3 feet in height. The bin must be placed in the rear yard only, set back from the property line, and in the location that is least offensive to neighbors. The bin should be a natural color or match the house siding color, and should not be visible from the street. Applications must include the location shown on a property plot map or survey.

### **DECKS**

Elevated and ground level decks are an extension of the house which can impact its exterior appearance and may affect the privacy of adjoining homes. Drawings submitted with the application do not need to be professionally done, but they must be to scale, with dimensions. Location should be shown on a property plot map or survey. Any adverse drainage impacts which might result from the construction of a deck, patio, or screened porch should be considered and a proposed solution need to be included in the ARC application. Approval will be denied if the Board of Directors or the ARC believes that adjoining properties are adversely

affected by changes in drainage. The use of a partially porous surface or the installation of mulch beds adjacent to a deck, patio, or porch are ways to offset drainage concerns. The following factors will be considered in the review of applications:

1. Location: Decks, patios, and screened porches should generally be located in rear yards. Side yard locations will generally not be approved, but may be evaluated on their individual merit. The privacy of adjacent homes will be considered in evaluating the location.
2. Scale and Style: Decks, patios, screened porches, and particularly elevated decks should be of a scale and style which are compatible with the home to which attached, adjacent homes and the environmental surroundings. To the greatest extent feasible, finishes should be of a color, type and style to coordinate with the attached home.
3. Materials: Wood or composite material that gives the appearance of wood (e.g. Trex) shall be used. For all elevated decks, 6"x 6" vertical posts should be used.
4. Color: Wood decks and screened porches may be left in their natural color or painted/stained. Deck railings which are painted or vinyl should match the trim color of the applicant's house. Spindles may be black.
5. Underdeck Screening and Ground Covering: Elevated decks have an underdeck area which can have a negative visual impact on adjoining neighbors, particularly when used as an informal storage space for items such as lawn equipment, firewood, children's toys and similar items. The use of lattice screening or landscaping the perimeter of this area is required if the underdeck area is to be used for such storage. Lattice or vertical screening to be installed under an elevated deck will be reviewed on an individual basis. It is suggested that the area under an elevated deck where ground cover cannot be maintained should be covered with pea gravel or similar landscaping material (describe in application), or a patio should be installed (see PATIOS).
6. Landscaping: Landscaping around decks, patios, and screened porches is strongly encouraged to soften views from adjacent lots.

#### **DOG HOUSES, DOG RUNS, and KENNELS**

Dog houses, dog runs, and kennels are generally not permitted.

#### **DRIVEWAYS**

Driveway surfaces should be maintained regularly and free of large cracks or crumbling asphalt. Surfaces should be of consistent material/finish and flat. Widening of driveways will be reviewed on an individual basis. If a driveway is widened, the overall width must be no wider than the garage, asphalt must be used, and all areas resurfaced. A paver border may also be considered. Street lining trees installed by the developer must not be removed to widen a

driveway. In some cases, the widening of driveways may be rejected because of topography, lot configuration, and proximity to adjoining property. The addition of a walkway adjacent to a driveway may also be approved; the preferred material is that of any existing walkway(s). Downspout extensions should not drain directly onto the driveway if possible.

### **EXTERIOR DOORS**

Approval is not required to replace a front, side, back, or garage door with one of the same size, design, and color as the original door. Changes of door style require approval; door style must be consistent with the architectural character of the house. Door color must remain the same (see EXTERIOR PAINT if a color change is desired). Natural wood finishes will not be approved.

### **EXTERIOR HOUSE TRIM**

Additions and modifications of exterior house trim, such as adding decorative moldings, will be considered on an individual basis. Trim additions must be compatible with the house style and must be painted to match existing trim.

### **EXTERIOR LIGHTING (PERMANENT)**

Any change to the original light fixtures or any additional light fixtures must be reviewed by the ARC and should consider the impact on adjoining neighbors. Lights should be compatible in style and scale with the house, and those characterized by intense brightness or unnatural colors (anything except clear or white bulbs) will not be approved. Additional lighting such as spotlights, patio/walkway lights, or lamp posts will be reviewed on an individual basis taking into consideration style and type, location, wattage, and any impact to adjoining neighbors. No exterior lighting, emanating from a lot, shall be directed outside the boundaries of the lot (see Article 7.2(w) of Covenants).

### **EXTERIOR PAINT**

All exterior colors to Milestone homes are pre-planned to provide community harmony and attractive individual design. Any changes in colors must be reviewed by the ARC. Repainting, using identical colors on the same areas, may be done without approval. If changing brands of paint, colors need to be blended to match the same color as the original. Application and review will be necessary if changes of color to the exterior of homes is desired. Any requested change should be consistent with the original community color scheme. Homeowners are encouraged to maintain their own paint records for reference. An application is also required to paint stoops and foundations a different color than the original.

### **FENCES**

The ARC will review all fence requests received on a case-by-case basis. These guidelines have been formulated to indicate to the homeowner the types of fences which will be generally acceptable to accomplish the stated needs when applicable, and to offer a low maintenance, long lasting quality appearance.

1. **Material and Type:** Perimeter fencing shall be either of a wooden split rail, wooden picket, vinyl, or board-on-board design. Fences should generally be symmetrical on both sides of the house, and should be uniform in design and materials to the extent possible. Wood fence material shall be either pressure-treated to provide resistance to decay, or natural cedar or redwood or other similar weather resistant variety which remains stable in exterior applications. Chain link or other metal fencing is specifically prohibited, except that green vinyl coated wire mesh fencing may be used in conjunction with a split rail fence if approved by the ARC. Posts for picket and solid board fences must be located on the inside of the fence (the good side of the fence must face out).
2. **Height:** The Board of Directors and the ARC have established a height of 6 ft as the maximum height generally allowable for residential fencing in the community. Fencing required by law in connection with the use and operation of an inground swimming pool must also be approved by the ARC. Owners must also comply with any applicable laws regarding required public safety protection surrounding a swimming pool.
3. **Location:** Fences shall generally not extend forward past the rear building line of the dwelling (the rear corners of the house) on the lot upon which any such fence is erected or the rear building line of the dwellings on all immediately adjacent lots. Under special circumstances, fences which meet the house between the middle of the side and the rear of the house may be approved if, in the judgment of the ARC, doing so produces a more aesthetically pleasing result (such as screening HVAC equipment from public view). Fences must be located as close to property lines as is feasible to avoid having an unmaintainable space between fences on neighboring lots. Double fences (two different fences running parallel on neighboring lots) are generally discouraged. When submitting an ARC request, fence location must be shown on a property plot map or survey.

#### **FIREPLACES (See CHIMNEYS AND METAL FLUES)**

#### **FLAGPOLES/FLAG HOLDERS**

Freestanding flagpoles will not be approved. Application and review is not necessary for a single small flag holder (or a symmetrical pair of flag holders) attached to the house in a conventional location (e.g., above or next to the front door).

#### **GARAGE DOORS**

ACAs are required to replace garage doors unless the style and color match the original door. Door color must match the house trim. Doors should be clean, in good repair, and free of cracks and dents. Temporary garage opening covers (netting and screens) should be removed or out of site when the garage door is closed.

### **GAZEBOS**

Gazebos should be natural in color and the roof should be cedar shingles or composition shingles that match the house roof. Each request will be reviewed on the basis of size and location of the structure. When submitting an ARC request, gazebo location must be shown on a property plot map or survey.

### **GLASS ROOM ADDITIONS (See SUNROOM ADDITIONS)**

### **GREENHOUSE WINDOWS**

Greenhouse windows will only be considered for the rear of homes. The framework must match the existing house window color, and all glass must be clear (colorless). The size of the greenhouse window should not exceed the original window height and width.

### **GUTTERS AND DOWNSPOUTS**

All gutters and downspouts including replacements must conform in color and design to those installed originally. Any addition of new gutters or downspouts, or a change in location of an original gutter or downspout, requires approval. Gutters and downspouts must not be located in such a manner as to adversely affect drainage onto neighboring properties. Black tubing used for additional drainage purposes must be buried underground and directed away from adjacent properties. Splash blocks must be black or green plastic, or unpainted concrete. Downspout extensions should not direct water onto adjacent properties or directly onto driveways, if possible.

### **HOT TUBS/SPAS**

Exterior hot tubs or spas must be approved and located in the rear yard. Soft muted colors that blend with the natural surroundings will be approved. Tubs or spas recessed into decks are preferred over free-standing hot tubs. If free-standing, the tub/spa must be enclosed on all sides with natural wood or vinyl. Visibility and location will be considered along with the impact on adjacent properties for all approvals.

### **HOUSE NUMBERS**

House numbers must be five inch high black or brass Arabic numbers. Installation or replacement of numbers of this size and these colors in conventional locations does not require application and approval.

## **INDOOR/OUTDOOR CARPETING AND SYNTHETIC GRASS**

The use of indoor/outdoor carpeting and synthetic grass on any exterior surfaces (for example, front stoops, decks, patios, etc.) will not be approved.

## **LANDSCAPING**

Application and review is not required for the following modifications:

1. Planting of annuals or perennials in existing beds.
2. Installation of new beds less than 4 ft. wide around the perimeter of the house foundation (and deck, patio, or fence if present) and perimeter of the rear of the lot, provided that plants installed have a mature height of less than 8 ft.
3. Installation of new beds less than 3 ft. wide adjacent to walks from the driveway to the front stoop provided that plants have a mature height of less than 3 ft.
4. Installation of new beds less than 2 ft. wide around the mailbox post, and around transformer/utility boxes provided that plants have a mature height of less than 3 ft.
5. Installation of black plastic edging or green metal edging around existing or approved beds, provided that it is installed to be below the height of the top of the grass.
6. Installation of vegetable and flower gardens, provided that they are located in the rear yard, are not more than one-sixth of the rear yard in size, and do not create an annoyance to neighboring properties in terms of adverse drainage conditions, overgrowth of plantings, or unsightliness. No offending odors should be created as a result of any garden. Fruit and vegetables should not be left to decay upon the ground. During winter, soil should be turned over.

Any other landscaping modifications, including the following, require application and review by the ARC.

1. Removal of original grass and replacement with some other type of ground cover (this will be considered for limited areas; on steep slopes, for example).
2. Planting of trees and shrubs in the yard. Plants should be selected carefully so that when fully grown they will be appropriate in height and breadth for their location in the yard.
3. Use of landscape timbers. Timbers should not define the individual front yards or walkways, and cannot be used on property lines. Timbers may be used in rear yards to line flower beds, or to aid in preventing soil erosion. Any use of landscape timbers above one timber in height must receive prior approval by the ARC. These timbers must be natural in color, not stained.

4. Retaining walls - see section on RETAINING WALLS.
5. Any modification that requires construction (including garden structures such as raised bed gardens, trellises, gazebos, etc.) or results in a grade change. The planting of bamboo stalks or kudzu will not be approved-these particular plants have fast growing roots which can spread onto adjoining properties, and are very difficult to remove once the roots are established.

## **MAILBOXES**

Mailboxes should maintain a simplicity of design. Where replacement becomes necessary, mailboxes and posts shall meet the original design standard, which is a plain black rural mailbox on a pressure treated wood post. Application and approval is not required for such replacement. The post may be left the natural color, painted white or be covered with white vinyl.

## **MAJOR EXTERIOR ALTERATIONS**

Any major exterior alterations will require an ARC application with all the project details to allow for an appropriate assessment by the ARC members. These include house additions, sunrooms, screened porches, garages, or anything which substantially alters the original house design. To ensure the design integrity of the house, all original house details must be maintained including overhang details, window and door details, corner boards, colors, and materials. Among other considerations, roof shingle material and color must match the existing roof materials on the house.

## **NEWSPAPER BOXES**

Newspaper boxes should be mounted on the mailbox post at approximately the same height as the mailbox, rather than on a separate metal post. Application is not required.

## **PATIOS**

Brick, flag or fieldstone, paving blocks, and concrete are the accepted materials for a patio. Rear yard locations, adjacent to the back of the house, are required for patios. When submitting an ARC request, patio location must be shown on a property plot map or survey. Also see considerations listed under DECKS.

## **PERMANENT BAR-B-QUES/GRILLS**

Brick or stone masonry grills attached to or on a ground-level patio or deck will be considered.

## **PLAY EQUIPMENT**

Non-portable (cannot be stored out of site when not in use) play equipment, including trampolines, swing sets, playhouses, and treehouses must receive prior approval. Each request will be reviewed on the basis of size, location, lot configuration, color, and impact on the adjoining neighbor. Play equipment should be located in rear yards only and set back from the property line a sufficient distance to not encroach on adjoining properties. Swing sets and other play equipment must be approved if they are permanently secured in the yard. They should be natural in color to blend with the surroundings, and must be maintained to prevent rusting. When submitting an ARC request, play equipment location must be shown on a property plot map or survey. Also see BASKETBALL BACKBOARDS.

### **PORCHES**

See considerations listed under DECKS. Also see MAJOR EXTERIOR ALTERATIONS.

### **REPLACEMENT WINDOWS**

Replacement windows must be the same architectural style as the existing (original) house windows. The size of the window trim and frame must match the original as closely as possible. All trim details must be maintained. The color of the window frame and trim will be reviewed on an individual basis. See also WINDOWS and WINDOW DIVIDERS.

### **RETAINING WALLS**

Retaining walls must be constructed of one of the following materials: 6"x 6" landscape timbers, brick, stone, or broken aggregate concrete blocks. Each request will be reviewed on the basis of size, location, lot configuration, necessity, and the impact on adjoining properties. When submitting an ARC request, retaining wall location must be shown on a property plot map or survey.

### **ROOF SHINGLES**

When roof replacement is necessary, the original roof color and style is to be matched as closely as possible. Roof repair or replacement using the original color and type of shingles does not require application and review. If the original shingle is no longer available or has been discontinued, a sample of the new selection must be submitted for approval by the ARC.

### **SATELLITE DISHES**

In accordance with the Telecommunications Act of 1996 and the implementing regulations, a satellite dish one meter (39") or less is permitted to be located on the homeowner's property. Any such installation must be done in a professional manner and all cables must be concealed. The dish must create the least visual intrusion possible (while still providing an acceptable quality signal) and painting or screening may be required. The installation must conform to the

manufacturer's guidelines and any Montgomery County safety, zoning, and other applicable requirements. The following guidelines are to be followed for satellite dishes:

1. The only satellite dishes that will be considered for review are dishes that are a maximum of 1 m in diameter.
2. Rear yard (ground level) or rear roof installation of 18" satellite dishes is preferred where possible. For 19" - 39" dishes, the required location is the rear yard, if an acceptable quality signal can be received there.
3. Ground level dishes must be set back from the property line and screened from view from adjacent properties and the street.
4. Dishes installed on the roof must match the roof color to the extent possible, must be mounted as close to the roof surface as possible, and must not be visible above the peak of the roof.
5. Disconnected or non-operational dishes must be removed.
6. Please submit the following information for satellite dish installations:
  - a. Specific mounting location and details including height above grade.
  - b. Cut sheet, manufacturer's brochure, or picture of satellite dish.
  - c. Location shown on property plot map or survey.
  - d. Color.

### **SECURITY DOORS AND WINDOWS**

Security doors (storm or entry) and/or windows will not be approved.

### **SHEDS**

In general, sheds must be of a size, including height, which is appropriate for the size of the home and lot, as well as surrounding dwellings, and should be compatible with the architectural qualities of the house. Generally, only sheds which are located adjacent to the rear of the home or in the back yard will be considered for approval. The architectural design of the shed should be compatible with the design of the house. The color scheme must be the same as for the house. The roof slope and the type and color of roofing material should match the house. The ARC will review sheds on an individual basis, taking into consideration lot size, location, impact on neighboring houses, and lot visibility. When submitting an ARC request, shed location must be shown on a property plot map or survey.

### **SHUTTERS**

Replacement shutters should match the original house shutters in style, color, length, and width as closely as possible. The style must remain compatible with the house design. It is recommended that shutters be raised panel or full louvered with no decorative arches. Application and approval are also required for new shutters to be added to a home. Any additional shutters must match the original style, color, length, and width. All shutters on the home must be the same color and should match the color of the front door.

## **SIGNS**

Refer to Section 7.2(i) of the Declaration of Covenants for rules regarding temporary signs. A security system sign is the only permanent sign permitted, provided it is less than 12" in height and placed in a landscaping bed.

## **SKYLIGHTS**

New skylights should be similar in style, size, and placement/location to those installed by the builders. Skylights are generally allowed on rear roof areas only. The framing of skylights should be black in color. Size, number of skylights, and alternate locations will be considered.

## **SOLAR PANELS**

Per Maryland law, the HOA may not prohibit the installation of a solar power system on a Milestone house; however, the visibility of the wiring must be minimized and must be as aesthetically "blended in" as possible.

## **STORM DOORS**

Installation of a storm door does not normally require application and review, provided that the color of the door matches the front door or the house trim color. Storm doors should be of simple design, and unadorned. The preferred style is full-view, with the color matching the door it covers. A three-quarters view style is also acceptable, as is matching the color of the storm door to the color of the trim around the door. Security-style storm doors and windows are not allowed.

## **STORM WINDOWS**

The installation of storm windows is discouraged within Milestone, as all of the homes are built with double-pane windows. However, applications for storm windows will be reviewed on an individual basis. If approval is provided, such storm windows must be the same color as the window trim.

## **SUNROOM ADDITIONS**

Sunroom additions will be considered. However, because of the visible impact of these additions on adjoining properties and the community as a whole, ARC decisions will be based on stringent criteria regarding such additions. Sunroom additions should be consistent with options offered originally by the builder. Materials, style, and color of siding, roof, windows, doors, and trim must match the house. When submitting an ARC request, sunroom location must be shown on a property plot map or survey.

### **SWIMMING POOLS**

Pools are generally discouraged due to the presence of the community pool. However, applications for pools will be considered on an individual basis, considering the location of the pool pump and other equipment, lot size, grades, lot shape, landscaping, drainage, and lighting. Fencing must meet the county code and also meet the community criteria (see FENCES). Serious considerations will be given as to how the pool will affect the adjoining properties. Water slides, and above ground pools will not be approved. When submitting an ARC request, pool location must be shown on a property plot map or survey.

### **TRELLISES**

The addition of a trellis over a deck or patio will be reviewed on an individual basis taking into consideration size, location, and materials.

**TRIM CHANGES** see **EXTERIOR HOUSE TRIM.**

**VEGETABLE GARDENS** see **LANDSCAPING.**

### **VINYL/ALUMINUM REPLACEMENT SIDING**

The ARC will carefully review replacement siding requests. In most cases, siding should have the same lap size, profile, and color as the original. All trim details such as frieze boards, dentil molding, window trim, corner boards, rake boards, fascia boards, window and door pediments, etc. must be maintained. Colors of replacement siding must be compatible with existing house materials, including roof, brick (if applicable), etc., as well as with other community colors. Texture of replacement siding will also be considered. Architectural Change Requests are not required for repairs where the material, color, style, and look are not changed.

### **WALKWAYS**

Approval is required for a change in an existing walkway or the construction of a new walkway. Materials to be used should be compatible with existing materials in the community (e.g., flagstone, brick, or poured concrete). Long stretches of poured concrete should be avoided, and walkways of wood decking will generally not be approved.

## **WINDOWS**

ARC approval is required to add new windows in walls. Windows must match the existing house windows. The size of the window trim and frame must match that of the other windows as closely as possible. All trim details must be duplicated. The color of the window frame and trim must also match the existing windows. See also REPLACEMENT WINDOWS and WINDOW DIVIDERS.

## **WINDOW DIVIDERS**

Window dividers (mullions) installed in original windows must be retained.

## **MAINTENANCE AND MAINTENANCE STANDARDS**

General Responsibility - Owning a property in Milestone includes assuming responsibility for maintaining all existent structures as well as natural landscaping, grass, and the appearance of yards.

Maintenance of Houses and Existent Structures - As houses and structures such as sheds or decks age, their exteriors may become deteriorated in appearance. Houses may have trim boards that are chipped, peeling or rotted. House siding may rot or collect mildew on the boards, and siding, trim or a front door may be badly in need of paint. Screens may hang off doors and windows, and storm doors may be broken and hang from hinges. Decks and sheds may become unsightly and even unsafe as the wood deteriorates with aging and weathering. In all cases, the overall neglected and unkempt appearance of the structures may impact the community as a whole, and could eventually lower property values. Each homeowner must maintain and make necessary repairs to these structures. Mailboxes, driveways, walkways, chimney flues, attic fans, etc. need to be checked, and repaired, if necessary, regularly. Roofs should be checked on a regular basis, and gutters and downspouts should be cleaned of leaves and debris each year. Aluminum and vinyl siding replacements require regular checking to see if the caulking remains watertight.

Maintenance of Landscaping and Natural Areas - Any natural or planted areas require regular maintenance also. If grass is not cut, and is 12" or higher, or if planting areas become overrun with weeds, the property will be referred to the Montgomery County Department of Environmental Protection. Homeowners must always take into account erosion, drainage onto neighboring properties, or flooding when they make modifications to their yards. Any dumping of branches, grass clippings, leaves, mulch, or dead plants onto community property is prohibited. All trees and plantings on residential properties must be maintained by the homeowner.

Maintenance of Yards- Bags of trash should always be kept in air-tight containers, and should be stored out of sight. Trash can be placed in designated areas to be picked up on pickup days. Yards are not areas for the storage of items, and they should be cleaned of litter, debris and old newspapers on a regular basis.

Enforcement - Lack of maintenance on homes and properties in Milestone will result in the Property Manager notifying the owners and requiring a resolution to the problems. The Milestone Property Manager and ARC may inspect properties. The Property Manager will refer any violations of County codes to the proper agencies. Violations of the architectural criteria or maintenance items which affect the aesthetics of a property, as well as the entire community, will be handled by notifying the property owner with a date for specific corrections to be made.

If approved structures are not maintained, the owner may be asked to remove the approved structure. Lack of compliance may lead to legal action or other enforcement procedures by the Board of Directors in accordance with Article 8 of the Covenants.

## **MAINTENANCE STANDARDS GUIDE**

The following kinds of maintenance problems may be appropriately addressed by the Property Manager in carrying out their duties in enforcement of maintenance problems in Milestone. They are not to be viewed as inclusive.

### **1. Roof Area:**

- a. Shingles missing
- b. Clawing of asphalt shingles and extremely bad deterioration
- c. Gutters and downspouts not secured to house - hanging down or missing
- d. Gutters must be maintained and painted
- e. Rusted gutters
- f. Leaves and debris visibly hanging out indicating a blockage
- g. All downspouts must be maintained and painted
- h. Rusted downspouts
- i. Downspouts removed without ARC approval
- j. Chimney flues rusted and paint chipped and peeling
- k. Skylights rusted, skylights removed / replaced with new material (plywood, plastic, etc.)
- l. Gravel guards
- m. Chipped and peeling paint
- n. Original replaced with unapproved style and material

### **2. House Siding and Trim:**

- a. Siding/trim rotted in areas so a hole is created
- b. Siding/trim covered with mold or mildew
- c. Siding/trim with chipped and peeling paint
- d. Siding/trim down to exposed or bare wood because of lack of paint

- e. Caulking around windows, doors and baseboards is worn down - holes are created
- f. Loose bricks or bricks that are crumbling due to deterioration
- g. Missing bricks so a gap is created

### 3. Windows

- a. Broken or missing panes of glass
- b. Torn screens
- c. Trim is rotted, paint is chipped or peeling, trim is missing

### 4. Doors

- a. Broken or missing panes of glass
- b. Torn screens
- c. Melted or removed door panels left unpainted
- d. Loose and not firmly attached doors
- e. Hardware: original replaced with non-conforming style
- f. Original replaced with different areas of door left unpainted
- g. In need of paint

### 5. Shutters

- a. Broken or missing slats
- b. Hanging or not securely attached
- c. In need of paint
- d. Original replaced with non-conforming style
- e. Original replaced with non-conforming size
- f. Original missing

### 6. Window Boxes

- a. Loose and not properly attached
- b. In need of paint
- c. Rotted wood requiring repair

7. Window Guard Rails
  - a. Rotted and deteriorated wood - unsightly and unsafe
  - b. In need of paint
  - c. Mold and mildew
  - d. Removed without approval
  - e. Structural defects visible to eye
  - f. Missing sections or insecure fastening
8. Pagoda Lights and Exterior Lighting:
  - a. Broken, rusted, dented, bent out of shape
  - b. Broken glass
  - c. Missing or burned-out light bulbs
  - d. Fixtures themselves in need of paint
9. Steps:
  - a. Loose or cracked - unsafe
  - b. Gaps between house base and steps at ground level created as house settles - can allow water to enter house foundation and house itself
10. Walkway:
  - a. Loose or cracked stones or cement
  - b. Dangerously angled stones due to ground settling
  - c. Unapproved, unprofessionally done, or unsafely placed timbers, stones, etc.
11. Retaining Walls:
  - a. Loose or cracked wood or stones
  - b. Precariously angled walls
  - c. Rotted wood
  - d. Unapproved, unsafely, or unprofessionally constructed walls
12. Sheds:

- a. Rotted structures
- b. Holes in siding allowing rodents or small animals to enter
- c. In need of stain or paint
- d. Covered in mold or mildew
- e. Precariously angled structures

13. Garages:

- a. Siding/trim rotted so holes are created
- b. Siding/trim covered in mold or mildew
- c. Siding/trim with chipped and peeling paint
- d. Siding/trim down to bare or exposed wood
- e. Caulking around windows, doors and baseboards worn down - holes and gaps created
- f. Garage doors in need of paint
- g. Garage doors missing panels
- h. Garage doors dented and bent out of shape

14. Attic Vents:

- a. Rusted and in need of paint
- b. Removed and area filled in with unapproved material

15. Fences:

- a. Broken and falling down
- b. Missing sections
- c. Replaced but not stained required color
- d. Posts missing or rotted



## **APPENDIX A: ABBREVIATED COVENANTS**

### **6 ARCHITECTURAL CONTROL**

#### **Section 6.1.**

Architectural Change Approval. No building, fence, wall, mailbox or other structure shall be commenced, erected or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including, but not limited to, changes in color, changes or additions to driveways, or walkway surfaces and landscaping modifications) until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by a Covenant Committee composed of three (3) or more representatives appointed by the Board of Directors of the Association ("Covenant Committee"). In the event said Board, or its designated committee, fails to approve or disapprove any design and location within sixty (60) days after the plans and specifications for such design and location have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Design and location approval by the Covenant Committee or by the Board shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the item being reviewed. The Board or the Covenant Committee shall have the right to charge a reasonable fee for reviewing each application in an amount not to exceed the costs actually incurred by the Board or the Covenant Committee. Any exterior addition to or change or alteration made without application having first been made and approval obtained as provided above shall be deemed to be in violation of this covenant and the addition, change or alteration may be required to be restored to the original condition at the Owner's cost and expense. In any event, no such exterior addition to or change or alteration shall be made without approvals and permits therefor having first been obtained by the Owner from the applicable public authorities or agencies. In addition, no changes, alterations or additions may be constructed which are not in compliance with local governmental guidelines or restrictions.

Notwithstanding any provision of this Declaration to the contrary, the provisions of this Article 6 shall not be applicable to the Declarant or any part of the Property owned by the Declarant.

#### **Section 6.2. Initiation and Completion of Approved Changes.**

Construction or alterations in accordance with plans and specifications approved by the Board of Directors or the Covenant Committee pursuant to the provisions of this Article shall

be commenced within six (6) months of such approval and completed within twelve (12) months of such approval. In the event construction is not commenced within the period aforesaid, then approval of the plans and specifications shall be conclusively deemed to have lapsed and compliance with the provisions of this Article shall again be required. There shall be no deviations from plans and specifications approved by the Board of Directors or the Covenant Committee without the prior consent in writing of the Board of Directors or the Covenant Committee. Approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the Board of Directors or the Covenant Committee to disapprove such plans and specifications, or any elements or features thereof, in the event such plans and specifications are subsequently submitted for use in any other instance.

#### Section 6.3. Certificate of Compliance.

Upon completion of any construction or alterations or other improvements or structures in accordance with plans and specifications approved by the Board of Directors or the Covenant Committee in accordance with the provisions of this Article, the Board or the Covenant Committee shall, at the request of the Owner thereof, issue a certificate of compliance which shall be prima facie evidence that such construction, alteration or other improvements referenced in such certificate have been approved by the Board or the Covenant Committee in full compliance with the provisions of this Article and with such other provisions and requirements of this Declaration as may be applicable.

#### Section 6.4.

Covenant Committee Rules and Regulations; Appeal of Covenant Committee Decision. The Covenant Committee may from time to time adopt and promulgate such rules and regulations regarding the form and content of plans and specifications to be submitted for approval and may publish such statements of policy, standards, guidelines and/or establish such criteria relative to architectural styles or details, or other matters, as it may consider necessary or appropriate. No such rules, regulations, statements, criteria or the like shall be construed as a waiver of the provisions of this Article or any other provision or requirement of this Declaration. The decisions of the Covenant Committee shall be final except that any Member who is aggrieved by any action or forbearance from action by the Covenant Committee may appeal the decision of the Covenant Committee to the Board of Directors and, upon the request of such Member, shall be entitled to a hearing before the Board of Directors. Two thirds (2/3) of the Board of Directors shall be required to reverse the decision of the Covenant Committee.

## Section 6.5.

Exterior Appearance. Except as specifically provided herein to the contrary, and without limiting the generality of this Article 6, the following shall apply to every Lot and dwelling unit within the Property, unless otherwise expressly provided by the Covenant Committee and the Board of Directors: (a) storm windows installed by any Owner or resident, provided such installation is approved by the Board of Directors or the Covenant Committee, shall be painted the same color as the window trim; (b) the installation of any storm door(s) must receive prior approval of the Board of Directors or the Covenant Committee, including, but not limited to, the style, color and material of said storm door(s). Storm doors must be of traditional design, must be either full or three-quarters view clear glass, and must match the front door or the trim around the front door; (c) color of the exterior of all structures or dwellings on Lots including, without limitation, garage doors, all sidings, gutters, downspouts, brick, trim, exterior wood decks, fences and gates, if any, shall not be changed or altered without the approval of the Board of Directors or the Covenant Committee; and (d) the roof of any dwelling shall be repaired or replaced with materials, substantially identical in construction, shingle type, texture and color as the material utilized by the Declarant in the original construction of the dwelling. Notwithstanding anything to the contrary contained in this Section 6.5, the provisions of said Section 6.5 shall not apply to any Lot or dwelling owned by the Declarant.

## **APPENDIX B: ARC POLICIES AND PROCEDURES**

**Purpose:** The purpose of this section is to provide procedures for membership, governance of the meetings, and conduct of the ARC. The purpose of the ARC is to consider applications for architectural changes submitted by homeowners and recommend architectural criteria and standards and revisions to existing criteria as appropriate.

**Membership:** The membership shall be composed of a chairperson and at least two other members. All Homeowners are eligible for membership on the ARC. The Milestone Homeowners Association Board of Directors may limit the membership of the ARC to a reasonable number, and may remove any individual member of the ARC, including the chairperson, by a majority vote. The ARC chairperson, along with the Board, shall be responsible for recruiting new members as necessary. One Milestone Board Member shall serve as liaison to the ARC, but will not be required to attend the meetings and will not have a vote.

**Governance:** The ARC derives its authority from the Milestone HOA Board of Directors. The Property Manager, charged with the administration of the architectural control functions of the Association, is not under the supervision or direction of the ARC; rather, they should work in a cooperative partnership with the ARC. The ARC Chair shall be responsible for the conduct of the meetings and for directing the Property manager's communication with requesting homeowners. The Chair shall be responsive to direction received from the Milestone HOA Board of Directors. The Committee shall meet as needed and upon additional call by the Chair. The Chair shall call a special meeting of the Committee upon request of a majority of the members. A QUORUM OF THREE (3) MEMBERS IS REQUIRED TO TAKE ARC ACTION, AND AGREEMENT OF A MAJORITY OF THE MEMBERS AVAILABLE IS REQUIRED TO RENDER A DECISION. ALL APPLICATIONS MUST BE CONSIDERED WITHIN SIXTY (60) DAYS AFTER A COMPLETE SUBMISSION.

## **APPENDIX C: GUIDE TO THE APPLICATION SUBMITTAL, ARC REVIEW, AND APPEALS**

1. All exterior modifications to Milestone homes must be reviewed by the Milestone ARC prior to any work taking place as stated in the covenants for Milestone.
2. Standard applications are available from the Property Manager upon request, and are also available in the Milestone homeowner's portal under the ARC link at [milestonehoa.net](http://milestonehoa.net). Checklists for certain types of modifications are also available to make the submittal process easier.
3. The Property Manager and ARC are available to assist homeowners with this submittal process and to answer any questions concerning architectural matters.
4. All submitted requests are provided to the ARC by the Property Manager as they are received. If the application is considered incomplete, or additional details are required, the homeowner will be contacted to provide the additional information. The application is not considered submitted until all required and requested information is received. This starts the 60-day time limit for ARC review.
5. Owners may request to present information related to change requests to the ARC at meetings (in-person or virtual). The ARC Chairman will consider such requests and arrange the meeting, if warranted.
6. The ARC may approve a request, it may be approved with conditions where certain changes need to be made by the owner, or it may be denied.
7. If the request is approved, the owner is notified through an approval letter. The alteration or change must be started within six months and completed within a twelve-month period (from receipt of approval).
8. If the application is denied, the owner is notified of the disapproval. He or she is also advised of his/her right to appeal the decision to the Milestone Homeowners Association Board of Directors (the applicant may resubmit the application to the ARC with more detailed plans if that was the reason for the rejection).
9. If the applicant wishes to appeal, notification must be received by the Property Manager at least one week prior to the date of the next Board meeting. The Property Manager will be the liaison between the ARC, the owner, and the Board, and will inform all parties of the time, date, and location of the hearing. The Property Manager will also prepare a report containing copies of correspondence to and from the homeowner and all pertinent information. This report will note any violations remaining where a correction was requested and not made. The owner will typically attend the hearing and personally present his/her appeal to the Board. Property

Manager staff will present the reasons for denial or modification given by the ARC at the time the application was received, with clarification from ARC members as needed. Staff may have notes or minutes of the meeting detailing the reasons for the ARC decision. Once the Board has heard an appeal, the members vote to uphold or deny the appeal. The homeowner is informed in writing of the decision following the meeting.

10. If the owner is dissatisfied with the Board decision, the Property Manager staff can refer the homeowner to the proper authority for dispute resolution procedures (e.g., requesting a hearing before the Commission on Common Ownership Communities).
11. If the application remains disapproved, and the owner proceeds with construction, legal action may be taken by the Milestone HOA Board against the property owner.

## **APPENDIX D: ARCHITECTURAL CONTROL VIOLATION POLICIES AND PROCEDURES**

In those instances where modifications are made without the express approval of the ARC, in defiance of disapproval, contrary to the terms of approval, or where a violation of the covenants has occurred, the following procedures will be used:

1. The Property Manager becomes aware of a violation through a verbal or written complaint from a resident, to include an ARC or HOA Board member, or personally witnesses it.
2. Property Manager staff will check the property, verify the complaint and check the file to verify a change has not been approved.
3. Once a violation is verified, the violation is entered into the Property Manager's records indicating a notice of violation is being sent to the owner. If no application has been submitted, an ACA form is sent to the owner requesting submittal to the Property Manager for ARC review of an architectural change. Return is requested within 2 weeks.
4. If an application is submitted, the ARC evaluates the application and the decision is recorded. If approved, a letter is sent to the resident informing of approval; the record is updated and the file closed. If disapproved, or approved conditionally, the resident is notified and a correction is requested to be made by a specific date. The record is updated.
5. If NO application has been submitted, the ARC evaluates the violation. Their decision is recorded and the record updated. If approved, no further action is taken. If disapproved, a letter is sent informing resident of the previous notification and the ARC's decision. The resident is asked to comply by a specific date. This compliance would mean removing or modifying the addition as indicated by the ARC. The record is updated.
6. The ARC also has the authority to deny a separate application if there is an architectural violation on the house or property.

### **CORRECTIVE OR LEGAL ACTION**

If an owner does not comply by correcting the violation, the owner is notified that he/she is in violation of the covenants and must either comply, appeal to the Milestone HOA Board of Directors and a hearing may be arranged to attempt to resolve the issue, or legal action against him/her may be instituted by the Board. If the owner is not satisfied with attempts to resolve the issue, he/she may appeal to the Montgomery County Commission on Common Ownership Communities. If this fails, legal action may be taken by the Board.

## WORK IN PROGRESS VIOLATIONS

If a resident is in the process of building an unapproved structure on his/her property and it is brought to the attention of the Property Manager, the following procedures are to be used:

1. Construction of unapproved modifications or change is reported and observed.
2. An immediate request is made to stop construction, and to send completed application for submittal to the Property Manager for consideration by the ARC.
3. If no response is received from the owner in reasonable time, the Milestone HOA Board of Directors may seek an injunction to stop work or pursue other remedies as judged appropriate by the Board.
4. A violation continues in the file until the matter is resolved.