

KINGSVIEW RIDGE COMMUNITY ASSOCIATION

ARCHITECTURAL GUIDELINES AND REVIEW PROCEDURES

Proposed August 2016
Approved October 2016

WHEREAS, Article VIII, of the Declaration of Covenants, Conditions and Restrictions (Declaration) for the Kingsview Ridge Community Association, Inc. (Association) establishes that the Architectural & Environmental Review Committee (AERC) review and approve, in writing, requests for alterations to all changes, alterations of exterior additions upon the Property and all Lots, and

WHEREAS, the Board of Directors wishes to establish procedures for obtaining AERC approval and establish guidelines as to what the AERC (also referred to as Committee) may find acceptable or unacceptable;

NOW THEREFORE, BE IT RESOLVED THAT the following guidelines and procedures be adopted:

I. SCOPE OF THE AERC AND APPLICATION PROCEDURES.

A. Scope of the AERC

The purpose of the AERC is to regulate the external design, appearance, use, location, and maintenance of Association and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. **The AERC relies on the appropriate County authorities to regulate the soundness of the construction and takes no responsibility in this regard.**

B. Application Process.

1. In accordance with Article VIII of the Declaration for Association, "No building, fence, wall or other structure shall be commenced, erected, placed, moved or maintained upon the Property, nor shall any exterior addition to or change or alteration therein be made (including change in color) 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 and conformity with the design concept for the community of "Kingsview Ridge" by the Board of Directors of the Association..."
2. Every Member shall submit an "Application for Architectural Change" (Application) for any exterior addition to or change or alteration to any Lot or structure. Such application shall include the following:
 - a. Details of the complete plans and specifications of the project, including the height, width, length, size, shape, color (sample if possible), materials, and location of the proposed improvement. An elevation view of the proposed change should also be included. Photographs of similar completed projects for comparative purposes would be helpful.
 - b. A house location survey of the property is also required. This survey should show the exact dimensions of the property and ALL improvements including those covered by the application. This survey should have been provided by the seller at the time you purchased your home.
 - c. With respect to Applications submitted for the approval of a deck, the survey which is submitted must show:
 - (1) Conservation easement areas and building restriction lines affecting the property,
 - (2) The proposed item, e.g. deck, drawn to scale, and
 - (3) The distance, in feet and inches, of the proposed item, e.g. deck, from the side and rear property lines.
 - d. Applications must be signed by the four (4) Members whose property will be most affected by the proposed change to the applicant's property. If the resident is a renter, it should be so indicated on the application. The management company will notify the appropriate absentee Members. The purpose for having the aforementioned signatures is to provide adequate notice of the proposed change. **Signing the application in no way indicates either approval or disapproval of the proposed change.** Names and addresses of Members who refuse to sign should be noted on the application by the applicant. All Members who are given notice of the proposed change to the applicant's Lot and who disapprove of the proposed change must notify the Committee, in writing, within five days of being asked to sign the application. If an effected Member who has been given proper notice files a written protest, the Committee must hold a public hearing to discuss the

application. This hearing must take place within ten (10) days after the applicant and all effected Members have been notified in writing.

- e. Applications can be obtained only from the management agent, and must be submitted at least seven (7) days prior to the next monthly Committee meeting.
 - (1) The blank application may be photocopied without alteration to its contents. No modified versions will be accepted by the Committee.
 - (2) Instructions for completion are on the application with information about when and where meetings are to take place. See the attachment for a sample copy of application.
 - f. Committee meetings will be held the second Thursday of each month, with a second meeting on the fourth Thursday of the month as needed.
 - g. Any applications not received seven days prior to the Committee meeting will be considered late, **will not be approved** and will be reviewed at the next scheduled meeting. (Re-submission of a late application is not necessary.)
 - h. All applications must be in writing.
 - i. On-time applications will be either approved or disapproved by the Committee within thirty (30) days. If approved, all work must be started within six (6) months and completed within one year from the date of approval. Applicants are encouraged to complete the work as soon as possible. During construction, the work site must be maintained in a neat and workman-like manner.
- 3. If a proposal is rejected, the reason(s) for the disapproval shall be stated as part of the written decision. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided. The Applicant may pursue an appeal to the Board of Directors in accordance with Section V of these Rules and Procedures.
 - 4. Minor changes to a proposal deemed necessary by the Committee at the time of approval, to bring the proposal into technical compliance with these rules, will be specified by the Committee at the time of approval and considered part of the approved plan. If the applicant disagrees with any change in the application specified by the Committee, the application shall be considered disapproved and will have to be resubmitted for reconsideration at a subsequent meeting of the Committee.

II. Architectural Guidelines.

A. Building Alterations and Additions.

1. General.

- a. Any exterior change, alteration or addition that changes the original appearance of an existing building must have the approval of the Committee before any work is begun. Any change, alteration or addition that has been initiated or completed without the prior approval of the committee, is at risk of being ordered to be altered or removed. Repair that does not alter the original appearance of a building does not require committee approval.
- b. Any exterior addition or alteration to an existing building shall be compatible with the design character of the original building and community.
- c. All roofs must be "Original color installed by builder, or color approved by the AERC".

2. Painting.

- a. Exterior color or tint changes shall be in harmony with the other homes in the community. Any change in color requires Committee approval. Paint colors should be traditional "Colonial" style colors, used by any of the original builders.
- b. Color samples must accompany a request for approval of a color change.
- c. Repainting a structure, the original color does not require Committee approval.

B. Fences and Walls.

1. Except as otherwise specified, all styles and types of fences will be considered by the Committee, however, ALL fences require the written approval of the Committee.
2. Split Rail fencing (two or three rails) with optional wire mesh, on the inside of the fence, is permitted for property separation of single family detached Lots. Other types of fences will be considered.
3. Alternating board fencing is permitted for townhouse Lots. The top of the posts cannot exceed a height of six (6) feet. However, the height of the top rail must be consistent with any pre-existing fences immediately adjacent to the property. The overall height must not exceed six (6) feet.
4. Fencing can be placed on shared property lines, with neighbor's consent, which requires joint application (i.e., signature of both parties as applicants). Maintenance of the fence is the joint responsibility of both Members. "If there is no joint application, the homeowner installing the fence agrees that any subsequent fences installed by adjoining homeowners will abut or be built directly against the existing fence, leaving no space in between."
5. No fence will be approved if its installation will obstruct sight lines of vehicular traffic.
6. Fencing will not be permitted to extend forward of the midpoint from the rear wall to the front wall of the dwelling unit.
7. No fencing will be constructed by Members on common area property.
8. Hedges planted for the purposes of creating a hedge fence along the Member's property line requires approval from the Committee as if it were a regular fence.
9. Chain link or other galvanized metal fences are prohibited.
10. If only one side of a fence has finished materials, this side must face out towards the community.
11. For single family houses, fences shall be 4' in height unless otherwise required by County or State Building or safety codes.
12. The AERC committee reserves the right to limit the number of different styles and variations of fences. Examples of approved styles will be furnished on request. All fences must be kept in good repair and appearance at all times.

C. Decks.

1. In addition to the AERC rules, all decks must comply with county specifications. No deck may be constructed in a conservation easement area or in violation of building restriction lines affecting the property without the prior written consent of the Maryland-National Capital Park and Planning Commission (M-NCPPC).
2. Deck locations is limited to rear yards only.
3. Deck wood can be pressure treated timber, redwood, or western red cedar. "Other materials, including synthetics will be considered by the committee."
4. Replacement of an existing deck requires Committee approval.
5. Screened decks may be considered, however, written approval is required.
6. No screened decks are permitted in the front of any type of home.
7. Decks may be stained and/or painted provided that the color(s) conform to the color scheme for the main house.
8. Screened in porches may be painted or stained to match the color of the siding or the trim of the house.
9. Elevated decks may not be constructed any closer to the side property lines than one foot (1'). Ground level decks may be constructed to the side property lines only if a fence, six feet (6') in height, is constructed along the property lines, the full length of such deck. Any fence is also subject to approval.

10. Subject to provision 1. above, elevated decks may not be constructed any closer to the rear property line than five feet (5').
11. No part of any deck built on single family houses can extend beyond the side of the house. Decks which are built on end Lots of a Townhouse row of Lots shall not extend beyond the side of the dwelling constructed on such Lot, and shall be fully contained within the rear yard of any such Lot.

D. Patios

1. Patios require the prior written approval of the AERC.
2. Patios location is limited to rear yards only except for the multi-family units.
3. Patios constructed of flagstone, concrete, brick or wood are permitted.

E. Additions

1. Additions require the prior written approval of the AERC.
2. Roofing should Conform to original color installed by builder. Siding should match the existing material and colors of the original structure. Any exception must be approved by the AERC.

F. Garages

1. Roof, siding style and color, trim colors must match that of the home.
2. All Exterior Garage Modifications require AERC approval with the exceptions of replacing a garage door with the same style and color.

G. Landscaping and Planting

1. The Committee encourages planting of flowers, trees, and shrubbery provided they are properly maintained by the Member. Such landscaping does not require Committee approval. Hedge fences must be approved by the Committee. See Section B. 7.
2. Landscaping projects that alter the Lot topography and drainage patterns must have Committee approval.
3. All retaining walls must be made of either natural stone, masonry or pressure treated wood and must be approved.
4. Vegetable gardens must be located between the front line of the house and the rear property line and may not exceed in size more than 1/4 of this area.
5. No structure, planting or other materials shall be placed or permitted to remain in the easement which interferes with the installation and maintenance of utilities.

H. Exterior Antennas/Satellite dishes

1. Per Federal Communications Act of 1996, installation of satellite dishes and or antennas do not require committee approval providing.
 - That all satellite dishes are 1 meter in diameter or smaller.
 - Satellite dishes and antennas be placed to allow for best reception while maintaining the aesthetic appearance of the neighborhood.
 - Exterior wiring must be hidden from view to the greatest possible degree. Wiring should be attached to the house at appropriate intervals. Ground level wiring should be buried.

I. Swimming Pools

1. Only in-ground pools will be considered.
2. Detailed plans for the location and construction of a pool must be submitted.

3. Requests for pools will be considered on a case by case basis.

J. Storm Doors

1. All types and colors of storm or screen doors require prior written approval of the Committee.
2. The color should match the house color. Consideration will also be given to variations in shade.

K. Siding and Windows

1. Repaired or replaced siding or window frames must match the style and color of the existing siding or window frames.
2. The AERC will consider applications for vinyl, aluminum or other artificial siding provided, that the existing style and design are maintained.
3. New windows must be submitted for approval.

L. Sheds

1. Detached Homes

- a. Sheds must be installed as close to the house as possible.
- b. Sheds cannot exceed seven feet (7') in height (at the peak) or a ten foot (10') by ten foot (10') footprint (length and width).
- c. Drawings, specifications or a picture of a similar shed must accompany application.
- d. Shed should be painted, sided and roofed to match the exterior of the home.

2. Townhouses

- a. Sheds may be located back-to-back and attached to the fence separating adjacent rear yards.
- b. Sheds cannot exceed seven feet (7') in height (at the peak) or a four foot (4') by six foot (6') footprint (length and width).
- c. Drawings, specifications or a picture of a similar shed must accompany application.
- d. Shed should have a natural stain and roofs must be pitched to conform with existing sheds within the townhouse section of the community. All roofs must match the color and style of the roof of the house

3. ALL SHEDS REQUIRE THE PRIOR WRITTEN APPROVAL OF THE AERC.

4. Members are requested to lock sheds when not in use for child/animal safety.

M. Playground Equipment

1. All playground or recreational equipment, including basketball standards/hoops, require the written approval of the AERC.
2. Playground equipment may be installed in the backyard only. Consideration should be given to equipment size, design, and visual screening.
3. Basketball goals are permitted with prior written approval

4. Portable Basketball goals do not need prior committee approval. Portable Basketball goals should not be placed on public roads or sidewalks, nor placed so as to have the players on a public road or sidewalk. As with any recreational equipment, fixed or portable Basketball goals should be kept in good repair and appearance at all times.

N. Hot Tubs and Spas

1. Hot tubs are permitted, but require the prior written approval of the Committee.
2. Hot tubs should be located at the rear of the home.
3. Members are requested to lock hot tubs or spas when not in use for child/animal safety.

O. Firewood

1. Firewood must be stored in accordance with County guidelines and may not be stored in the front of the home.

P. Exterior Decorative Objects

1. Approval is required only for all natural and man-made exterior decorative objects which are visible from the street. Exterior decorative objects include, but are not limited to, such items as bird baths, wagon wheels, sculptures, fountains, pools, stumps, driftwood piles, freestanding poles of all types, windmills, and items attached to approved structures.

Q. Exterior Lighting

1. Applications for exterior lighting should include wattage, height of light fixture above the ground and a complete description, including material, and location of the fixture on the property.
2. Lighting which is part of the original structure must not be altered without Committee approval.
3. Holiday decorations, including lighting, must be down and suitably stored within thirty (30) days following the day of the recognized holiday.
4. Floodlighting fixtures may not be installed higher than 20' from the ground.
5. Output (lumens) restricted to **no greater than that** of a 70 watt high pressure sodium (HPS) lamp (5670 lumens).
6. No exterior lighting shall be directed outside the applicant's property.
7. Angle of light projection may not be less than 45 degrees.

R. Flagpoles

1. Permanent flagpoles should be of a height (not to exceed twenty feet from ground level or not to extend above the roof line, whichever is lower), color and location which is appropriate for the size of the property. Permanent free standing flagpoles require the prior written approval of the Committee. Members wishing temporary flagpole staffs which do not exceed six feet (6') in length and which are attached at an incline on the front wall or pillar of the home need not have Committee approval.

S. Permanent Grills

1. Permanent gas grills must be placed in the rear of the house and conform with Montgomery County law. Committee approval is required.
2. Barbecue pits must have Committee approval. They are permitted in rear yards only and cannot exceed a height of five feet.

T. Attic Ventilators

1. Attic ventilators and turbines must match the siding of trim of the house if mounted on a gable end. Ventilators mounted on the roof should be in harmony with the existing units in the community. No Committee approval is required.

U. Sidewalks, Pathways and Other Pavement

1. Changes to sidewalks, pathways and other pavement require AERC committee approval.
2. Materials to be used should be compatible with existing materials in the community (e.g. poured or stamped concrete, flagstone or brick).

3. Modifying a walkway may be done where its placement and use will not adversely affect adjacent property, natural areas or drainage and where it will not negatively impact the appearance of the streetscape.
4. Adding walkways must be done with the same material as the existing walkway and the Owner may be requested to plant additional landscaping if needed to soften the impact and the view from the neighboring properties
5. Driveway expansions are subject to review on a case by case basis.

V. Gutters and Down Spouts

1. Gutters and down spouts must be consistent with the overall color scheme of the home.
2. Repaired or replaced gutters and down spouts must be the same as the existing gutters and down spouts. Any additional installations of gutters or down spouts or changes in color require Committee approval.

W. Mailboxes

1. Mailboxes and mailbox posts should be well maintained and kept in good repair. They should be located so as to not obstruct sidewalks or sight lines and must be in accordance with postal regulations. Replacement of a mailbox of a similar color and style does not require Committee approval. All mailboxes for single family detached homes shall conform to neighborhood style and color scheme. Any changes in mailbox style or color must be approved by the AERC.
2. "Village" section homes must utilize a rural mailbox of the style originally installed by the homebuilder.

X. Trash Cans/Recycle Bins

1. Trash cans and Recycle Bins must be stored out of sight and not placed at the curb prior to the evening before the trash collection day.
2. Hard Plastic or metal trash bins with lids that secure or heavy duty "Construction" style plastic bags that are tightly secured are the only approved containers for use. White kitchen style trash bags are expressly prohibited for placement at the curb unless they are within an approved container.
3. The point of trash collection will be the curb nearest the front of each home. Trash will not be collected at the rear of homes.

Y. Real Estate Sales/Rent Signs

1. Real estate signs must meet the requirements of Article VIII, Section 8.K of the Declaration as well as County regulations with respect to size, content and removal.

Z. Compost Piles

1. Compost piles must be constructed of a wooden outside frame with wire or block interior. These piles must have a screen planting plan submitted with each application. Compost piles should not exceed 3 ft in height or cover more than 50 square feet. They must be located in the rear of the home at least 5 ft from the property line and they must be properly maintained (including periodic turning and straw coverage). Failure to maintain a satisfactory compost pile and/or a determination by the Committee that the compost has become a public nuisance shall be considered an abandonment of the compost pile and a violation of the Rules.

AA. Mowing

1. Turf areas need to be mowed at regular intervals, maintaining a maximum height of six inches. Members are expected to take all reasonable measures to maintain a healthy, green lawn.

BB. Renewable Energy Devices

1. All renewable energy devices including, but not limited to, solar panels, solar water heaters, wind turbines and similar devices require AERC approval.
2. All conduits, connections, fasteners, etc. must be concealed and/or colored to match the home to the greatest degree possible. The conduits, connections, fasteners and other equipment must be installed as far from the street view as possible to limit their visibility.
3. Solar panels must be installed as close to the roof surface as possible.

4. Solar panel framing shall be black, or similar dark color to match roof shingles.

III. Local Building, Work Permits and Architectural Soundness

- A. Committee approval is required prior to applying for any State or County permit(s).
- B. Approval of any project by the Association does not waive the necessity of obtaining the required local permits.
- C. Obtaining the County or State permits(s) does not waive the need for Association approval.
- D. The Committee will not knowingly approve a project which is in violation of the local building or zoning codes or in violation of the Covenants & Restrictions of record.
- E. The purpose of the Committee is to regulate the external design, appearance, use, location, and maintenance of Association and improvements thereon in such a manner so as to preserve and enhance values and to maintain a harmonious relationship among structures and the natural vegetation and topography. It is not to approve the Architectural soundness of the proposed change. The Committee relies on the appropriate County authorities to regulate the soundness of construction and takes no responsibility in this regard.

IV. Maintenance of Property

- A. Each Member is responsible for the maintenance of all structures and landscaping located on his property to include such items as decks, fences, storage areas, gardens, shrubbery, and trees. The following are examples of basic maintenance violations:
 1. Peeling paint on home, garage or other structure.
 2. Broken fences or missing sections.
 3. Decks in disrepair.
 4. Playground equipment in disrepair.
 5. Broken window(s) or door(s).
 6. Rain spouts in disrepair or in need of painting.
 7. Shutters in disrepair, in need of painting, or missing.
 8. Missing house numbers (note - all numbers must comply with County regulations which require that new or replacement numbers must be six inches in height).
 9. Sidewalks, driveways or other pavement in disrepair.
 10. Piles of grass, leaves, shrubbery, clippings, and tree branches.
 11. Gardens or shrubbery that have been neglected or have died.

V. Appeals to the Board of Directors

- A. Any Member aggrieved by a decision of the AERC concerning the approval or denial of an Application shall have the right to appeal that decision to the Board of Directors, provided, however, that the Member, other than the applicant, who failed to register his objections with the AERC, either in writing prior to, or by appearance at, the hearing, shall be deemed to have waived the right of appeal. The Board of Directors may reverse or modify the decision of the AERC by a vote of two-thirds (2/3) of the Board of Directors.
- B. No work covered by an application shall be performed until any and all appeals have been heard by the Board and a decision rendered.

- C. In case of an appeal to the Board of Directors, all persons with a properly registered objection to the original application will be notified of the appeal by the Board in writing ten days prior to the Board hearing the appeal.
- D. Hearings before the Board of Directors

At a hearing before the Board of Directors, the following procedures will be followed:

1. Proof of the notice of hearing and the invitation to be heard will be placed in the minutes of the hearing. This requirement is waived if the Member appears at the hearing.
2. The AERC will present the information concerning the alleged violation. The AERC will be afforded a presentation time not to exceed 10 minutes.
3. The Member, if present, may present information regarding the alleged violation. The Member will be afforded a presentation time not to exceed 20 minutes.
4. Any other parties who wish to speak at the hearing will be allowed a time period not to exceed 3 minutes each.
5. Within 15 days after the date of the hearing, the Member will be advised, in writing, of the decision made by the Board of Directors.
6. If the decision of the AERC is upheld, the Member will be notified in writing of the corrective actions required and the time by which the corrective actions must be completed. The Member will be afforded a minimum of 15 days to complete corrective actions.

VI. Inspection

- A. The Committee or its agent will conduct a walking survey of the community once a year for compliance with Architectural standards as stated in the Association Covenants and Restrictions and these Rules. When feasible, a Board member or other Board-designated member of Association will accompany the Committee on their inspection.
- B. The Committee Chairman will make a periodic motorized survey of the community for compliance.
- C. Upon completion of an approved Architectural change, the Committee may inspect a property which has undergone improvements and, if inspected, shall notify the owner in writing of any inconsistency with the plan approved by the Committee.

VII. Violation and Enforcement Procedures

- A. Types of Violations:
 1. Any change to the exterior of a unit or Lot without submitting an application to the AERC;
 2. Any change to the exterior of a unit or Lot that is disapproved by the AERC or expressly prohibited by the Declaration, By-Laws, or AERC Rules; or
 3. Any change that does not comply with any approved rule or guideline adopted by the Committee.
- B. All reports of alleged violations must be submitted in writing to the Committee by the aggrieved Member or through an inspection report completed by the Association or its agent.
- C. Upon receipt of the written complaint or notice of alleged violation, the AERC members shall execute the following procedures:
 1. The Chairman will appoint one member to investigate the allegation. If no violation is discovered, the complainant will be informed in writing by the Committee. If there is a violation, the Committee will take the necessary action.
 2. In all cases, the name of the alleged violator will be kept confidential until the violation has been established.
 3. The name of the complainant shall be kept confidential.

D. Notification of Violations

1. A letter will be sent to the Member advising the Member of the potential violation. A response form will be included with the letter which will allow the Member to reply to the potential violation. The response form should be returned to the management agent within 15 days from the date of the letter.
2. If the Member completes the response form within the 15-day time period, the Member's response shall be reviewed and a determination made as to whether or not a violation exists. If a violation is found to exist, or if there is no response to the form, a violation letter will be sent to the Member advising the Member of the violation noted. The Member will then have 15 days from the date of the violation letter to correct the violation or request a hearing before the Board of Directors.
3. If the violation is not corrected and there is no request for a hearing before the Board of Directors within the prescribed 15-day period, a notice will be sent to the Member by Certified Mail, Return Receipt Requested, advising the Member of a hearing before the Board of Directors regarding the alleged violation. The notice will contain the following information:
 - a. The nature of the alleged violation;
 - b. The time and place of the hearing which may not be less than 10 days from the date of the notice;
 - c. An invitation to attend the hearing and produce any statement, evidence, and witness on the Member's behalf; and
 - d. The schedule of fines or other sanctions to be imposed.

The Member is requested to appear at this hearing. If the Member does not attend the hearing, a decision will be made without the Member's input.

E. Uncorrected Violations

If the Board determines that the Member is in violation and the violation is not corrected by the date specified by the Board, the following fine schedule will apply. These fines will be placed as a charge against the particular Lot involved and will be subject to collection as if it were part of the annual assessment.

<u>Each Uncorrected Violation</u>	<u>Fine</u>
1st day beyond Board deadline	\$ 25.00
30th day beyond Board deadline	\$ 50.00
60th day beyond Board deadline	\$150.00
90th day beyond Board deadline	\$250.00

If the violation is not corrected after the 90th day, the matter will be turned over to legal counsel for the Association for appropriate action to attain correction of the violation. Once a matter has been turned over to legal counsel, all further communication between the Member and the Association will take place through legal counsel.

A Member will have the right to appeal any action taken by the Board.

F. Recurring Violations

If a Member corrects a violation and subsequently commits the same violation, then a recurring violation has occurred. Recurring violations that occur within a 12-month period are subject to the following fines:

<u>Each Recurrence of the Violation</u>	<u>Fine</u>
1st recurrence of the violation	\$ 20.00
2nd recurrence of the violation	\$ 50.00
3rd recurrence of the violation	\$150.00
4th recurrence of the violation	\$250.00

Each subsequent recurrence \$250.00

The Board will send a notice to the Member by Certified Mail, Return Receipt Requested advising the Member of a hearing before the Board of Directors regarding the alleged recurring violation and its associated fine.

The notice will contain the following information:

- a. The nature of the alleged recurring violation;
- b. The time and place of the hearing which may not be less than 10 days from the date of the notice;
- c. An invitation to attend the hearing and produce any statement, evidence, and witness on the Member's behalf; and
- d. The schedule of fines or other sanctions to be imposed.

The Member is requested to appear at this hearing; if the Member does not attend the hearing, a decision will be made without the Member's input.

The hearing before the Board of Directors will be conducted as specified in Section V.D.

If the Board determines that the Member has committed a recurring violation, then the fine for the recurring violation will be in effect. This fine will be placed as a charge against the particular Lot involved and will be subject to collection as if it were part of the annual assessment.

If the Member fails to correct the recurring violation by the date specified by the Board, then the violation will be treated as an uncorrected violation as specified in Section VII.E.

A Member will have the right to appeal any action taken by the Board to the Circuit Court of Montgomery County or any other body with proper jurisdiction.

VIII. Existing Alterations Which Do Not Conform to These Rules

- A. Existing alterations, structures, objects, etc. which do not conform to these guidelines, but were properly approved by the Committee under old Architectural rules, do not have to be removed or altered and are not considered to be in violation of these current rules.
- B. Existing alterations, structures, objects, etc., which are in violation of these rules, and have **not** been approved by the Committee under old rules, are considered to be in violation of these rules and are subject to the provisions of Section VII.

IX. Liability and Indemnification

- A. All duly appointed officers and members of the AERC are protected from legal action against them, as accorded Board of Directors and Officers as set forth in Article X, Section 1 of the By-laws for the Association.

X. Amendment.

- A. These guidelines may be amended from time to time in accordance with the Declaration and By Laws for the Association and/or applicable laws.