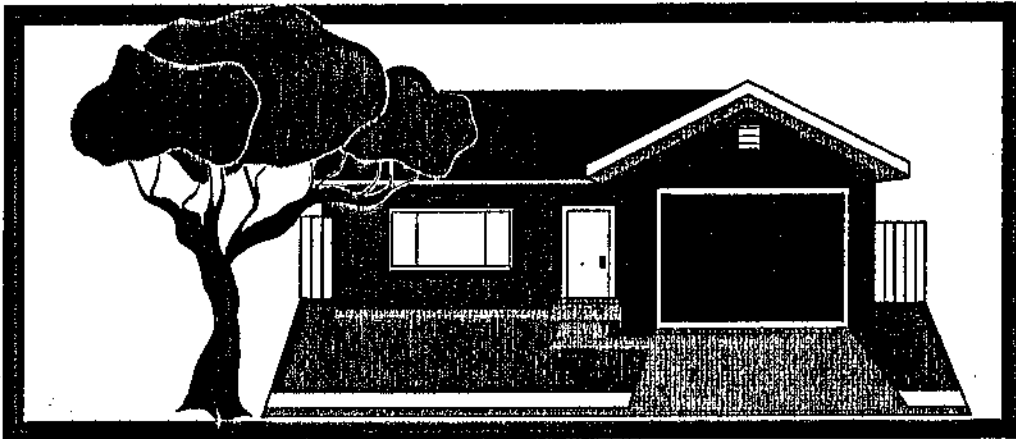


**VISTA ESTATES WEST  
(ASHWOOD)  
HOMEOWNERS ASSOCIATION**



**ARCHITECTURAL CONTROLS**

**REGULATIONS  
STANDARDS  
PROCEDURES**

**ISSUANCE DATE  
NOVEMBER 1994**

## PART I

### DEFINITION OF TERMS

#### Homeowners Covenants:

The covenants are a binding legal obligation between you, the Association, and all the other residents. Maryland law requires that you receive a copy at settlement. The Declaration of Covenants "runs with the land" as part of your deed of ownership and cannot, as a practical matter, be changed by/for an individual homeowner.

#### Homeowner Regulations:

This document summarizes the regulations and procedures adopted by the Homeowners Association. The Covenants permit, and in fact envision, the adoption of such regulations to implement the Covenants. The regulations embodied in this Homeowners Guide are designed to prevent excesses and abuses while affording flexibility in property utilization and enjoyment. They were adopted to assure that architectural controls are applied fairly and equally to everyone in the community.

#### Board of Directors (BOD):

The highest elected governing body in the community with the responsibility for overall policy and conducting the Association's business. The Board of Directors is empowered to hear appeals of decisions made by the ACC. The decisions of the Board on appeals are final (See, Figure I).

#### Architectural Control Committee (ACC):

Established pursuant to the Declaration of Covenants. The Declaration of Covenants empower the Board of Directors to either appoint an Architectural Control Committee, or to serve as the ACC itself. The ACC is empowered to adopt or promulgate rules and regulations that are binding on the homeowners. Article VI of the Covenants explains the roles and responsibilities of the ACC.

**NOTE:** Currently, the Board has chosen to have the Board itself serve as the ACC. Actions referred to in this Homeowners Guide that are to be taken by the ACC will be taken by the Board, acting as ACC.

#### Architectural Advisory Committee:

An advisory committee established by the Board of Directors. Because the Board of Directors has decided to serve as the ACC, the Board has established an Architectural Advisory Committee to assist the Board in its work. Members of the committee will assist the Board (acting as ACC) in all aspects of its work, by making recommendations regarding: the promulgation of regulations, and procedures; Board action on homeowner applications for exterior alterations; violations of covenants; and other matters. Recommendations of the committee, although significant, are not binding on the Board.

#### Application Process:

The sequential steps involved in moving an application from inception to decision. The procedures to be followed are contained in this Homeowners Guide. (See, Figure 1).

**Appeals Process:**

The necessary action(s) to be taken by a homeowner if he/she does not agree with a decision made by the ACC.

**Management Company**

A private firm (Bader Management) contracted by the Association to carry out the decisions of the Board and appointed committees as regard to the routine business of the Association.

## Procedures for processing applications for exterior alteration

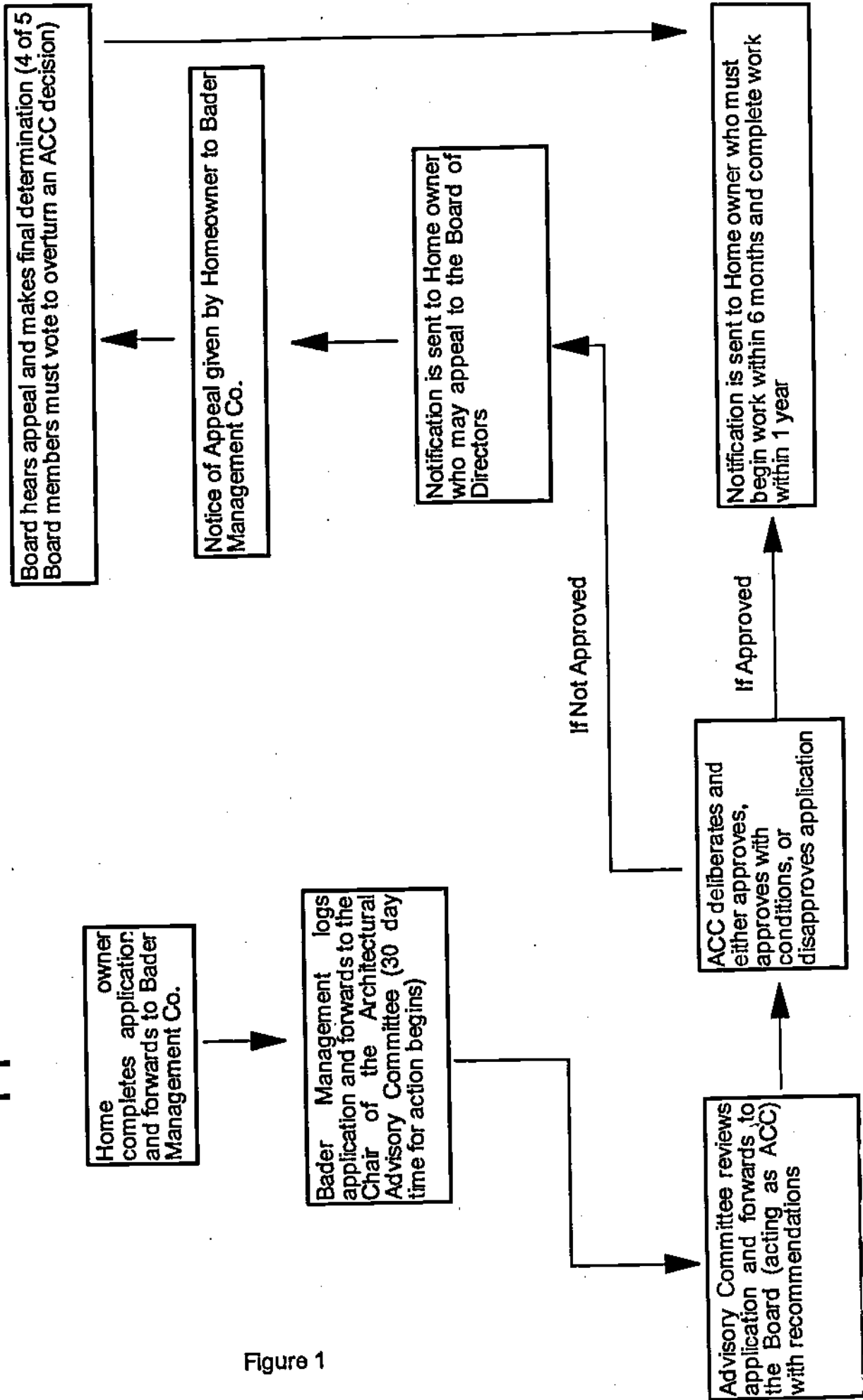


Figure 1

## PART II

### PROCEDURES FOR HAVING PLANS APPROVED

(See, Figure I)

#### 1. CONSULT YOUR COVENANTS AND HOMEOWNERS GUIDE

When you contemplate exterior alterations or certain landscaping changes on your property, you should first consult your Covenants and this Homeowners Guide, which summarizes the Association's regulations and procedures concerning architectural changes. These will help you in finalizing your plans, and will tell you whether a formal application is required. If in doubt, speak with a member of the Architectural Control Committee (ACC).

#### 2. SUBMIT YOUR APPLICATION TO THE MANAGING AGENT

After you have studied the Covenants and the Homeowners Guide, complete and submit your application, using the application form (Figure II) attached. Supporting documents must include a property site plan drawing indicating the location of the desired addition, a complete and detailed description of the alteration and a picture or drawing of the proposed alteration. Be sure that your application is complete and clear, and sign your application.

**NOTE:** Obtaining ACC approval for your project does not relieve you of the responsibility to obtain proper permits and clearances from the necessary county agencies. Likewise, obtaining a county permit does not relieve you of the responsibility to obtain ACC approval for your project.

#### 3. ALLOW AT LEAST THIRTY (30) DAYS FOR PROCESSING

Submit your application early, allowing at least thirty (30) days for its processing. When your application is received by the managing agent (Bader Management), it will be dated and forwarded to the Architectural Advisory Committee and the ACC for consideration. It will then be assigned a log number and scheduled for review at the monthly ACC meeting.

**NOTE:** The thirty-day period within which the ACC must act upon your application begins when your application is received by the management agent and assigned a log number.

Prior to the review meeting, you may be contacted by an Advisory Committee member to discuss your application and, if necessary, to make suggestions for modifying your plans. It is to your advantage to give your full cooperation to the Committee member if contacted, for it is he or she who will present your application to the Architectural Control Committee and make recommendations for approval, approval with stipulations, or disapproval.

**4. THE ACC WILL MEET TO CONSIDER YOUR APPLICATION**

At the ACC meeting, your application will be presented by the Advisory Committee member who reviewed it. Any homeowner interested in an application (including the homeowner making the application) is welcome to attend the ACC meeting. When the discussion has ended, the ACC will vote to approve or disapprove your application, or to approve it subject to certain provisions or stipulations.

**5. IF APPROVED, OBTAIN COUNTY PERMITS, BEGIN YOUR WORK!**

If your project is approved, obtain all necessary county permits and begin your work! You must initiate work within six months and must complete all work within twelve months of approval. Be sure to adhere strictly to the plans approved by the ACC, otherwise, the final product may not have proper approval and may constitute a violation of the Covenants.

**NOTE:** Projects Approved by the ACC may also be subject to local covenants or restrictions and additional requirements of Prince George's County. In most cases, the more restrictive criteria shall apply. Therefore, it is the homeowner's responsibility to ensure compliance with all applicable restrictions.

**6. YOU MAY REQUEST A CERTIFICATE OF COMPLIANCE**

Upon completion of the construction or exterior alteration, you may request that the ACC issue a Certificate of Compliance which will be legal evidence that your improvement was approved by the ACC and is in full compliance with the Regulations and Covenants. To do so will require that an ACC member inspect the improvement.

**7. IF DENIED, YOU MAY APPEAL THE DECISION TO THE BOARD**

If your application is denied, either in whole or in part by the ACC, you may appeal by giving written notice to the Vista Estates West Homeowners Association (VEWHO). You have thirty days within which to appeal a decision. (See, Figure D).

The Board of Directors will arrange to hear the appeal. Two-Thirds (4 out of 5) Board members must vote in favor of the homeowner in order to reverse a decision by the ACC. The Board's decision is final.

If your appeal is denied, and you still wish to make exterior alterations, you may submit a new application that differs from the previous application that was denied. In which case the application will be considered and treated as a new application.

**8. WHAT IF I DO NOT WAIT FOR APPROVAL?**

If you start exterior alterations without first obtaining approval of your plans, you do so at your own risk! If you fail to submit an application, or if your application is turned down or modified, you may face the cost of removing the alteration plus the cost of any fines and/or litigation. The Covenants provide a means by which these costs may be placed as a lien against your property.

**9. WHAT IS THE PROCESS FOR DOCUMENT/REGULATION ENFORCEMENT?**

Compliance with the Covenants and with these regulations is the job of every homeowner and resident. Enforcement procedures will be carried out by the ACC and the Board. When complaints of violations of the Covenants are brought to the attention of the Board or the ACC, they will be kept confidential and investigated as promptly as possible.

If a violation of the Covenants is found, enforcement procedures will be initiated.

**10 HOW CLOSELY MUST I ADHERE TO THESE GUIDELINES?**

It is your responsibility to strictly abide by all regulations and covenants. The Covenants authorize the ACC to establish regulations and procedures for architectural control. These rules, regulations, standards, and procedures presented herein have been written by the ACC as part of that responsibility. If you do not like a rule or regulation, discuss it with a Board member, and seek to change the rule.

It is impossible to write the regulations necessary to cover all exterior changes. When a regulation is not available for the project you are proposing, a complete application is still needed. In considering new or unique requests, the ACC will place emphasis on proper scale, materials, color and impact upon neighboring properties. Applications should include sufficiently detailed information to permit understanding and evaluation of your proposal.

These regulations, together with previous decisions of the ACC and the Board, will help you to determine what is most likely to be approved in typical circumstances, and will also give you important information on how to prepare your application. Particular circumstances regarding your property may result in the approval of an application which might be denied at another location, or the denial of one that might be approved elsewhere. The fact that a plan seemingly identical to yours has been approved for use at another location does not mean that it is automatically approved for yours.

LOG # \_\_\_\_\_  
DATE TO ACC: \_\_\_\_\_  
RETURNED TO MGMT \_\_\_\_\_  
(ACC USE ONLY)

VISTA ESTATES WEST HOMEOWNERS ASSOCIATION, INC.  
APPLICATION FOR EXTERIOR ALTERATION

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone # (H) \_\_\_\_\_ (ALT) \_\_\_\_\_  
E-Mail: \_\_\_\_\_

*WARNING: Exterior alterations commenced without prior approval of the ACC are in violation of the covenants and are at the applicant's own risk.*

**INSTRUCTIONS:** Give purpose and full details of proposed change. If any painting is required, attach paint color chip. **All structural changes require a plot plan with a scaled drawing of the proposed alteration or addition.** Include principal use, dimensions, location, materials, etc. Please limit attachments to 8 1/2" by 11" and submit in **duplicate**. Applications lacking full details of proposed exterior alteration will not be processed until all details are mailed or faxed to the Association. FAX application to ~~(410) 938-1912~~ or mail application to \_\_\_\_\_

Vista Estates West Homeowners Association, Inc.  
~~c/o D.H. Bader Management Services, Inc.~~  
~~1435 Cherry Lane Court, Suite 210~~  
~~Laurel, MD 20701~~

DESCRIPTION OF CHANGE REQUESTED:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notes:

1. Prior to starting to build, building permits should be obtained from Prince Georges County. Further, nothing herein contained shall be constructed as a waiver of modification of any County, State, or Federal restrictions.
2. Applications usually take no longer than 30 days for review. A copy of the application will be returned to you after acted upon by the ACC and the Board of Directors.
3. Applicant must contact the ACC upon completion of proposed change for verification of compliance. Work as expressed herein must be completed within 12 months of approval. Extenuating circumstances regarding completion should be brought to the attention of the ACC.
4. Before digging, applicant is responsible for calling MISS Utility.

OWNERS SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

VISTA ESTATES WEST BOARD OF DIRECTORS ACTION:

( ) Application Approved as Submitted.  
( ) Application Approved with the following provision(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

( ) Application DENIED for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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



**PART III**  
**REGULATIONS**

**REGULATION #1 - ANTENNAS**

Exterior antennas and satellite dishes are prohibited.

**REGULATION #2 - AWNINGS**

Awnings are prohibited.

**REGULATION #3 SCREEN/STORM WINDOWS AND DOORS**

1. All door and window alterations/additions require an application. All applications must be accompanied by a picture illustrating the door or window design.
2. Screen/storm windows and doors must match the color of the house or trim.

**REGULATION #4 - DECKS**

1. All decks require an application. Applications must include a descriptive drawing showing dimensions, height above grade, details of railings and stairs, and a site plan of the entire property.
2. Decks must be constructed with durable materials. All wood surfaces shall be sealed with an approved water sealer and stained with an approved stain to maintain appearance.
3. The length of the deck shall be approved on a case-by-case basis consistent with the maintenance of the overall architectural integrity of the Development as determined by the ACC.
4. All approvals for the construction of a deck shall be contingent upon proper maintenance, including, but not limited to proper water sealing, staining, and resealing annually as needed but no less than every 2 years. The ACC reserves the right to seek removal of the deck at any time if the ACC determines that proper maintenance is not being applied.

### **REGULATION #5: - GROUND LEVEL PATIOS**

1. All patios require an application.
2. Front yard patios are prohibited.
3. Materials must be approved by the ACC prior to construction.
4. Homeowner must allow for proper water runoff drainage.

### **REGULATION #6 - FENCES WALLS PARTITIONS**

1. All fences, walls, and partitions require an application.
2. Front yard fences, walls, and partitions are strictly prohibited.
3. Fences, walls, and partitions must begin at the rear of your home.
4. Gates should match the fence in material, style, color and height.
5. The height of any fence, wall, or partition shall be 72 inches. A variance of up to 2 inches may be permitted due to a lot's elevation.
6. All fence designs must include an ornamental topping approved by the ACC.
7. Applications for fences, walls, or partitions must include written comments from Ashwood neighbors on both sides of your property.
8. Chain link fences are not allowed.
9. Stockade fences are not allowed.
- 10 Shrubbery will be required strategically around all approved fences, walls, and partitions.
- 11 All wooden fences and partitions must be stained as needed.
- 12 Wooden fences and partitions, where approved, must be constructed of southern yellow pine, pressure treated lumber and stained with an approved stain to maintain appearance.

## **REGULATION #7 - PARKED VEHICLES**

No junk vehicle; truck over one-quarter ton (as defined by the Maryland Department of Motor Vehicle and/or by common usage as practice); unlicensed or inoperable motor vehicle, which shall include, without limitation, any vehicle which would not pass applicable state inspection criteria; trailer; camp truck; house trailer; boat; or other similar machinery or equipment of any kind or character (except or such equipment as may be reasonable, customary and usual in connection with the use and maintenance of any dwelling and except for such equipment and machinery as the Association may require in connection with the maintenance and operation of the common area) may be stored or parked on the streets of Ashwood, or on a homeowners property, unless fully enclosed within a garage.

## **REGULATION #8 - SIGNS**

No signs, billboards, or other advertising derived of any character shall be erected or maintained upon any part of said tract or on any lot therein; except:

- a. one (1) sign may be erected on each lot (with dimensions of not more than eighteen (18) inches by twenty four (24) inches advertising that lot for sale or rent). No realty sign shall be attached to a unit. Signs may not remain on individual lots longer than 30 days after sale of units; and
- b. signs advertising political support of candidates may be posted in accordance with county ordinance.

Signs, including realty signs shall not be permitted on general common areas.

## **REGULATION #9 - DRIVEWAYS**

1. Driveways will be repaired or replaced with the same type of material used in the existing driveway. If this is done, an application is not necessary.
2. A complete application is required in all other cases.

## **REGULATION # 10 - GUTTERS AND DOWNSPOUTS**

An application is not required for replacement gutters and downspouts provided they are the same color as when the house was purchased or match the color of the house or trim.

## **REGULATION #11 - FAN/AIR CONDITIONING SOURCES**

1. Window air conditioning units are prohibited.
2. Window fans are prohibited.

## **REGULATION #12 - HOT TUBS, WHIRLPOOLS AND WATER FEATURES**

1. All hot tubs, whirlpools and water features require an application.
2. The application shall include a site plan showing the location of the tub, whirlpool or water feature, and its relationship to existing structures, drainage and property lines.
3. Adequate drainage for the facility will be carefully evaluated for site selection approval. Lot owner is responsible that the facility will not create neighboring drainage problems.

## **REGULATION #13 - LIGHTING**

### **1. GENERAL LIGHTING**

- A. The replacement of an existing light fixture, if accomplished with a reasonable match to the old fixture, does not require an application.
- B. If a change in style, shape, size, color or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, a complete application is required.
- C. All exterior lighting should be installed so as not to shine directly upon adjacent property nor public space.

### **2. TEMPORARY LIGHTING**

- A. Decorative holiday season and festival lighting does not require approval.
- B. Holiday lighting shall not be operative prior to the 26th of November in any year, nor later than the following 7th of January.
- C. Holiday lighting must be totally removed by January 22nd.

## **REGULATION #14 - MAINTENANCE**

1. The VEWHO A covenants specifically refers to the maintenance of one's property.
2. "Homeowners maintenance obligations..." will generally be interpreted to require taking reasonable efforts and measures to care of all exterior portions of the dwellings and other improvements so that they in no way detract from the appearance of the neighborhood. This refers to the appearance of the lot in general, including but not limited to, lawn, trees, shrubs, buildings and/or improvements.
3. Each owner shall at all times keep his/her lot and the exterior of all structures thereon in good condition and repair and adequately painted or otherwise finished.

## **REGULATION #15 - COMMON AREA**

The VEWHO A does not allow unauthorized use of common area for gardens, play equipment, pets, tree removal, motorized vehicles, etc. Proposed changes of common area use must go through the Board of Directors before being considered by the Homeowner' Association.

## **REGULATION #16 - PAINTING**

1. An application is required when any structure or trim is to be painted a color different from its existing color. The new paint is considered to be different if the color itself changes (for example, yellow instead of beige) or if, while the color remains the same, it is lighter or darker than the original.
2. An application is not required when the new paint is the same as the original in both of these respects. Applications are required for all other cases.

## **REGULATION #17 - RE-ROOFING, RE-SIDING, RESTYLING OF STRUCTURES**

1. A complete application is required if the proposed re-roofing or re-siding material differs in color or texture from existing roof or siding on the structure or if it results in changing the architectural style.
2. It is the owner's responsibility to ascertain whether the proposed building material meets the proper jurisdiction's building and fire codes.
3. The style of existing trim-work at soffits, corners, windows, doors, and of accent panels, shutters, or other stylistic features must be retained in the re-siding design.
4. Applications must include details of the proposed change, a siding sample and a description of proposed treatment of any out-buildings such as sheds.

### **REGULATION #18 - TRASH/MISCELLANEOUS ITEMS**

1. Trash or recycling containers may not be placed outside before 6:00 pm the night prior to pickup. Refuse containers must be collected the same day of the pick-up and located out of sight either indoors or behind approved fences or partitions.
2. Containers left in front of the house for more than one day will be collected and discarded.
3. Ladders, tools, bicycles, toys and other miscellaneous items shall be stored nightly either indoors or located out of sight behind approved fences or partitions.

### **REGULATION #19 - WOODPILES**

Woodpiles must be to the rear of the house and not readily visible from the street or an adjacent neighbor's view.

### **REGULATION #20 - CLOTHESLINES**

No clothing or other household fabrics shall be hung in the open on any lot.

### **REGULATION #21 - TOOL/STORAGE SHEDS**

1. A complete application is required for all tool/storage sheds.
2. Applications should include the following information:
  - Site plan which shows the relationship of the shed to the adjacent house and property lines.
  - Picture and/or detailed drawing of the shed including all dimensions length, width, and height at peak.
  - Description of materials to be used.
  - Color of shed and house.
3. Roofing, siding and trim materials should be of the same type and color as the house or the fence. Lustrous and metallic surfaces are not acceptable.

## **REGULATION #22 - SECURITY GATES AND DEVICES**

1. Exterior mounted security devices are prohibited on the front and sides of the house except on basement windows

The applications should include the following:

- Site plan showing locations and elevations above grade of all additional security devices.
- A complete description of material and style, preferably with a catalogue sheet from the supplier.

## **REGULATION #23 - LANDSCAPING**

1. At a minimum, the amount of landscaping comparable to that provided by the developer should be maintained.
2. A complete application is required for any plantings used as a hedge, windbreak or screening purposes.
3. An application is not required for the following:
  - Individual shrubs (unless hedge) foundation plants, small annuals or perennial, ground covers or single trees which, at maturity, will be in scale with house.
  - Border or planting beds.
4. Lawns must be maintained at a maximum height of 3" and be neatly trimmed around plantings, beds, trees and walks.
5. All planting beds must be mulched and kept weed free.

## **REGULATION #24 - HOMEOWNER'S SNOW REMOVAL**

It shall be the responsibility of each homeowner to clear all walkways bordering and leading onto his/her property of snow and ice within 24 hours of snowfall/ice development.

## **REGULATION #25 - PET GUIDELINES**

1. It is unlawful for any owner/custodian of any animal to allow that animal to run at large without a lease and/or become a public nuisance.
2. Excessive barking, whining or howling, molesting passersby, chasing vehicles, attacking other domestic animals, depositing excretory matter on private property other than that of the owner, and damaging property shall be considered a nuisance under this regulation.
3. Homeowners walking their pets must carry a pooper scooper and must clean up after their pets.

## **PART IV**

### **VISTA ESTATES WEST HOMEOWNERS ASSOCIATION RULES ENFORCEMENT PROCEDURES**

All regulations will be enforced through the Association's Rules Enforcement Procedures and/or the State and Local Laws.

1. The rules enforcement process commences with a written complaint of an alleged rule violation, including the date and approximate time of the alleged violation, which is submitted to the Board of Directors.
  - A. Complaints may be submitted by an individual owner or resident, by group(s) of owners or residents, or by a committee.
  - B. The person(s), group or committee making the complaint must be identified in the complaint.
  - C. The person(s) group or committee making the complaint shall be called to testify at any hearing related to the complaint.
  
2. Upon receipt of a complaint concerning an alleged rule violation, a notice shall be sent by the Association's managing agent to the alleged violator which sets forth the circumstances of the alleged violation and establishes a time period within which the alleged violation must be abated to avoid a sanction. The abatement period shall not be for a period of less than fifteen (15) days.
  - A. A copy of the violation notice shall be sent to the person(s), group or committee originating the complaint.
  - B. If a second complaint letter concerning the same alleged violation is submitted to the Board of Directors at least ten (10) days but no more than twelve (12) months, after the date of the original notice of violation, the Board of Directors will hold a hearing concerning the alleged violation. Notice of the hearing shall be sent to the alleged violator and complaining party. The alleged violator and the complaining party may produce witnesses at the hearing and may be represented by legal counsel at the hearing. A minimum of three members of the Board of Directors, or the Board's designated representatives, shall hear the testimony of the alleged violator and the complaining party. The hearing shall be held in executive session. After the hearing, the Board of Directors shall render a decision concerning whether the alleged violation occurred and determine the appropriate sanction, if any.



C. If the Board of Directors determines that a violation has occurred, the Board may impose sanctions, including but not limited to, levying a fine or suspending voting rights. Each reoccurrence of a violation, or each day that a violation continues, shall be deemed to be a separate violation for which a sanction may be imposed. If a sanction includes a fine, and the violator fails to pay the fine within the time period set by the Board of Directors, the fine shall be collected pursuant to the Association's standard collection procedures for non-payment of any Association assessments, or by filing a lawsuit against the violator.