



# **The Ridges at Annapolis**

## **Guidelines**

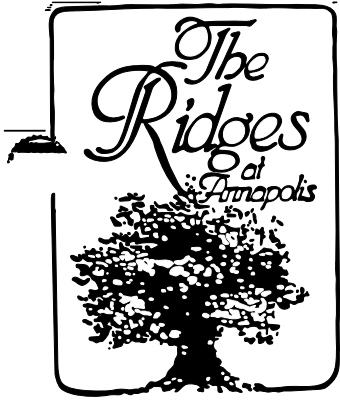
for

Design Review and Architectural Control

Prepared by the

Architectural and Environmental Control Committee

April 9, 1991



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Dear Ridges at Annapolis Resident:

When The Ridges at Annapolis Community Association was established, one of its purposes was "to provide architectural control for residential properties located therein." As a part of this formal establishment of the community, certain Covenants and Restrictions were recorded as part of the land records of the community which expanded on this general purpose by providing more specific declarations and definitions which are binding on all property owners. The Covenants and Restrictions permit additional rules and procedures to be instituted to carry out these controls.

These Design Review and Architectural Control Guidelines are intended to provide further guidance on how the intent of the Covenants and Restrictions will be carried out to preserve and maintain *The Ridges at Annapolis* as a high quality, architecturally pleasing, and environmentally enjoyable community.

We hope that you find this material clear and useful. The Guidelines do not change the policies regarding architecture, maintenance, and land use; it is intended to clarify the established Covenants and Restrictions.

These Guidelines should be added to your RACA binder for convenient reference.

If you have any questions or comments about anything in these Guidelines, please contact the Architectural and Environmental Control Committee through any Board member.

Skip Stocknick, President  
Board of Directors,  
The Ridges at Annapolis Community Association.

**THE RIDGES AT ANNAPOLIS COMMUNITY ASSOCIATION**

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## General Conditions

### 1. Guidelines

These Design Review and Architectural Control Guidelines have been written by the Architectural and Environmental Control Committee (A&EC Committee) and approved by the Board of Directors as part of their responsibilities under the Covenants and Restrictions. These Guidelines are therefore based on the Covenants and Restrictions. They tell you what kinds of improvements, etc., will most likely be approved. They also tell you what is likely to be prohibited under the Covenants and Restrictions.

However, before going further it may be wise to review exactly what the Covenants and Restrictions are and what they do, and what the Architectural and Environmental Control Committee is and how it functions.

### 2. Covenants and Restrictions

**Background.** Many communities have Covenants and Restrictions which are a binding contract on all of the residents. They ensure residents of certain standards of land use, architectural design, and property maintenance throughout the community. Your copy of the Covenants and Restrictions are included in the RACA binder. An additional copy is available from the Board of Directors. As used herein, "covenants" shall mean the Covenants and Restrictions.

**Authority.** Covenants are basically a contractual agreement to take, or refrain from taking, some action without prior approval of some authority. In the typical open space community with a homeowner association, such as *The Ridges at Annapolis*, the covenants become a part of the chain of title to the property. Thus, the benefits and burdens of the covenants are automatically passed on to each subsequent owner of each lot; that is, the covenants "run with the land". In order for the covenants to be given effect, they must be both valid and enforceable.

**Validity.** In order to be valid, covenants must satisfy certain conditions: the grantor must have the legal capacity to bind the land in question; the goal to be achieved must be appropriate and not be contrary to public policy; and the language must be sufficiently clear and unambiguous as to put all parties on notice of what is required of them. In short, the covenants must be a reasonable means to a reasonable end. The covenants for *The Ridges at Annapolis* meet these conditions.

**Enforceability.** Whether valid covenants are enforceable must be determined on a case-by-case basis. Generally, covenants are enforced so long as they are applied fairly and consistently, and in good faith; are enforced in a timely manner; and are enforced as to other homeowners in similar situations.

There is also a growing awareness of the characteristics of community associations. In many respects, an association's functions and powers are analogous to those of a municipality. The same constitutional requirements of due process that apply to municipalities and State governments may be said to apply generally to associations. The individual homeowner's right to fair treatment at the hands of the association is clearly recognized; the association has an affirmative duty to act in a fiduciary capacity. Overall, covenants are enforceable but the homeowner must be treated fairly in the process.

**Application.** What about the "my-home-is-my-castle-type" of homeowner who asserts a "constitutional" right to "freedom of expression." Legally, this is not a serious problem; the First Amendment is not a defense to a contract that is otherwise valid and enforceable if the homeowner has been treated in a fair, consistent, timely, and reasonable manner.

### 3. Design Review/Architectural/Environmental Control

The Covenants and Restrictions, in addition to stating what can and cannot be done, also gives the Architectural and Environmental Control Committee the responsibility for setting and enforcing rules and procedures for design review and architectural control as follows: "The Architectural and Environmental Control 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 and record such statements of policy, standards, guidelines, and establish such criteria relative to architectural styles or details, fences, colors, setbacks, materials or other matters related to architectural control and protection of the environment, as it may consider necessary or appropriate."

By way of explanation, hereinafter, the term "design review" will be used to include "architectural control" and "environmental control." This is to emphasize that the process deals with the "design concept" as a whole, including such things as signs, landscaping, site layout; and to structures such as antennas, and swing sets that go beyond the normal understandings of "architectural" and the "environment" which includes such things as offensive activities and the Open Space. It also emphasizes the positive "review" aspects of the process rather than the more emotional and negative concept of "control." Using a single term also makes for easier reading.

-Design review- is therefore applicable not only to common property owned by the association but, also, more importantly it is a contractual restraint on what each of us can do with our own individually-owned property. Thus, everything is permitted on each individual lot except that which the covenants expressly prohibit.

Properly exercised, "design review" can create and preserve an attractive, livable community, and it impacts everyone in our community for a long period of time. A properly formed and operated process of "design review" will yield substantial benefits to all. An essential element of this process is recognition by everyone that it is a benefit, not a burden.

Failure to properly exercise "design review" can create major problems in the form of misunderstanding and controversy among ourselves, inconsistencies and unfairness in treatment, an abundance of real or imagined violations, and potentially expensive and protracted court cases. Additionally, our community and all of us may suffer major property value losses if "design review" is absent or ineffective.

The purpose of "design review" is to keep our community attractive for everyone's enjoyment and for the protection of property values; to foster a communal sense of what constitutes "looking like and being a nice place to live." Though the aesthetic result of this process is perceived subjectively, there are measurable economic consequences: effective "design review" can protect all of us against property value losses. This is a direct and positive benefit of the "design review" process.

"Design review" is not, of course, a panacea for all of our community's problems. It is only one factor in maintaining the quality of life in our community. It does not apply to many of the most immediate irritations that can be a part of community living: roving cats and dogs, loud motorbikes, vandalism, inconsideration, and so on. "Design review" can make our community a nice place to live at the start, but whether it stays nice depends also on maintenance, and whether it is or not also depends on the compliance of the people who live here.

In light of these many ramifications, the value of a set of written procedures, objectives, and standards for "design review" is clear. They establish a workable system for the process, clarify the association's governing documents, inform all members of exactly what is required, assist the association in acting fairly and consistently, and generally go a long way toward satisfying even the strictest of "due process" requirements.

By providing these Design Review and Architectural Control Guidelines, the Board of Directors hopes to avoid the vagueness and indefiniteness that might occur with the covenants themselves. We hope that this will strengthen the validity and fairness of the "design review" process.

These Design Review and Architectural Control Guidelines therefore serve two basic purposes: first, they assist the homeowner, both in designing the proposed improvement and in determining how to apply for approval; and second, they provide criteria for consistent decisions by the A&EC Committee and between successive Committees.

#### 4. Architectural and Environmental Control Committee

The "design review" process is controlled by the Architectural and Environmental Control Committee (A&ECC). This Committee is made up of five residents, an Architect and a Landscape Designer who meet as necessary to review applications. The A&ECC reports to the Board of Directors. The A&ECC will assist owners in complying with the covenants when they improve their property.

The Committee's goal is to have Committee members review each proposed improvement. After discussion, the A&ECC will vote on each application to approve as submitted, approve with provisions, hold it for further study, or disapprove. If the A&ECC disapproves an application, the reasons for disapproval as well as recommendations on resubmittal will be listed on the review sheet.

Some recommendations of the A&ECC are forwarded to the Board of the Directors for final action. It is strongly recommended that you do not begin any improvement until you have received the final approval.

The A&EC Committee will charge a fee for the services of the Architect and/or the Landscape Designer if one or both are required to provide a specific written review of any application.

Applications to the A&EC Committee for its review and approval of intended improvements should include a complete set of architectural/construction drawings, a site plan, and a schedule of exterior finishes, colors, and textures. Submission must be made and approval granted prior to the start of any construction. The site plan can be a copy of the site plan required by the Anne Arundel County Department of Licensing and Permits. Exterior finishes schedules may be submitted after construction begins, but no work shall be started with materials that should be included in the schedule until the schedule has been approved.

#### 5. Steps for Approving Plans

The process begins with the submission of a written application for approval of a proposed improvement or exception to the covenants. The applicant should describe the proposal in sufficient detail to permit the A&EC Committee to intelligently assess it (that is, the Committee should not have to guess what is intended or requested). Some applications require more detail than others, so the applicant must be prepared to provide additional information if requested. The application should include a good faith estimate of the start and completion dates. The applicant has the option of including comments by neighbors.

**When the application is received by the A&EC Committee, it is distributed to Committee members, who meet to review and discuss it. A site visit may be arranged, and/or a meeting with the applicant may be necessary. Some**

applications, due to their nature, are also published in The Ridge Runner for review and comment by any member of the community as part of the public notification process before final action is taken by the A&EC Committee or the Board of Directors as needed.

On most applications the A&EC Committee has the authority to review and approve the request. On other applications, the Committee makes a recommendation to the Board of Directors for final action.

After all necessary reviews have been made, the application is approved / disapproved and the applicant is notified in writing.

**The process described above usually takes no more than 60 days.**

Please Note: Approval of an application does not authorize violation of any provisions of County building and zoning codes.

Approval by the A&EC Committee may also be subject to other restrictions. Since the restrictive criteria will apply, it is the homeowner's responsibility to ensure compliance with all applicable restrictions, including a property survey if needed.

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

#### 6. Appealing an Action of the A&EC Committee

Any applicant who disagrees with the action of the A&EC Committee on his or her request may file a written appeal. The applicant must notify the Board of Directors within 15 days of his or her intent to file a written appeal and must file the written appeal within 30 days thereafter to have the matter in question reviewed by the Board of Directors. The Board will notify the applicant of the time and place for a review and the applicant will be given an opportunity to present his or her case. The Board will make a final decision. If the applicant still disagrees with the action taken, he or she may request a decision by an Arbitrator, bearing in mind that he or she will be responsible for all associated costs if the Arbitrator rules in favor of the association.

Any member of the community who disagrees with any action of the A&EC Committee (as indicated by publication in The Ridge Runner) may appeal that action by filing a written notice to the Board of Directors within 15 days of the public notice of the action as indicated by publication in The Ridge Runner. The Board will then review the case, which may involve a meeting with the members involved, and take final action. If the member still disagrees with the action taken, he or she may request a decision by an Arbitrator,

bearing in mind that he or she will be responsible for all associated costs if the Arbitrator rules in favor of the association.

#### 7. Waiting for Approval

If you start improvements without first obtaining written approval of your plans, you do so at your own risk. If you fail to submit an application, or if your application is denied or modified, you may face the cost of removing the improvements plus the cost of litigation. The Covenants provide means for placing the cost of removing the improvements as a lien against your property.

#### 8. Resolving Violations

Complying with the covenants is the responsibility of all residents and enforcing the covenants with regard to "Mdesign review" is the responsibility of the A&EC Committee and the Board of Directors. Article VIII, Section 3, of the covenants contains specific language regarding enforcement of the covenants, and it is recommended that every member read over this material. The A&EC and/or Board of Directors will investigate complaints of violations and will try to resolve violations amicably. When a determination is made that compliance cannot be obtained through ordinary means, legal action will be recommended. It should be understood that the Courts have consistently upheld covenants similar to those of *The Ridges at Annapolis*.

#### 9. Letters of Compliance

Anyone purchasing a property in *The Ridges at Annapolis* is also purchasing any existing violations. When aware of such conditions, the A&EC Committee will notify the Listing Agent of the existence of the problem. In order to assist members in the sale of their property, the A&EC will, upon written request of the owner, inspect a property and issue a Letter of Compliance to the owner listing all existing violations or verifying that the property is in compliance with the covenants. If you plan to sell your property you will save time by ensuring that your property is violation free and by having a Letter of Compliance available for any prospective purchaser.

#### 10. Implementing the Guidelines

These Guidelines tell you what is most likely to be approved in typical circumstances. Special circumstances regarding your property may allow the approval of an application which might be denied at another location, or the denial of one which might be approved elsewhere. The fact that a similar plan has been approved for use at another location does not mean that it is automatically approved for you. All requests must be submitted in writing to the Architectural and Environmental Control Committee.

## Specific Guidelines

In the event of a conflict between these Guidelines and the Covenants and Restrictions, the Covenants and Restrictions apply. It should be remembered that these Guidelines tell you what is most likely to be approved in typical circumstances. Special circumstances regarding your property may allow the approval of an item which might be denied at another location, or the denial of one which might be approved elsewhere. The fact that a similar plan has been approved for use at another location does not mean that it is automatically approved for you.

An application is required in all cases unless it is specifically stated that an application is not required.

### 1. Additions/New Construction

1. No requirement is made concerning the size of the improvements intended, nor are any types of building products specified or prohibited. Rather, good design, compatibility with that of its neighbors and the community, proper workmanship, and the use of textures, shapes and colors that will harmonize with the surrounding improvements, are necessary.
  2. **The roof of a traditional house must have a pitch of not less than 9 inches rise for every 12 inches of horizontal.**
  3. The foundation of a traditional house must be of brick for that vertical area of the foundation wall that is exposed above the exterior finish grade for the distance between the finish grade and the point of interface with the materials above. This requirement is applicable to the front and side elevations. Doing so on the rear elevation is required if the rear can be seen from the street or by neighbors.
  4. Foundations of contemporary homes need not be brick; in its stead, the foundation must be neatly parged with portland cement. Colorcoatings on the foundation are required and must be well coordinated with the other colors of the building.
  5. Garage entrances and personnel doors shall normally face the street. Walks should lead to the driveway. Walkways from the residence to the street are prohibited.
  6. Additions include, but are not limited to, any structure, garages, greenhouses, porches, rooms, enclosures of any kind, etc. whether or not attached to the existing dwelling.
  7. The architectural character or theme of any addition to an existing structure should remain consistent with itself. That is, once the character is established, whether it is traditional or contemporary, no portion should be changed or added which could conflict with or change the character of the structure. The design of additions should be consistent with the existing shape, style, and size of the original dwelling as follows:
    - A. Siding, roofing, and trim materials should be the same as or compatible with the existing materials of the dwelling in color and texture.
    - B. **New windows and doors should be the same as or compatible with those of the existing dwelling in style, size and color; they should also be located on walls at the same approximate height as those of the existing dwelling and be trimmed in a similar manner.**
    - C. Roof eaves and fascias should be the same depth, style, and approximate height as existing eaves and fascias. New roofs should have the same approximate slope as those existing on the dwelling.
8. The following conditions will determine the acceptability of siting:
- A. The location should not significantly impair the view, amount of sunlight, or ventilation of adjacent residences or the use or enjoyment of open space. Windows, doors or viewing areas from additions should not infringe on existing internal or external, private areas of neighbors.
  - B. The location should not adversely affect drainage conditions on adjacent properties through changes in grade or other significant run-off conditions. This includes conditions during construction.
  - C. The location should not create situations in which neighbors will have difficulty adding to, modifying, or maintaining existing dwellings.
9. **All** applications should include:
- A. A site plan which shows the location of the proposed structure, distances from neighboring structures, property lines, and other identifiable landmarks.
  - B. Detailed drawings and plans which include dimensions, exterior elevations, changes in grade, etc., and the relationship of the proposed structure to the existing dwelling and other buildings.
  - C. Specifications for exterior materials, to include, but not limited to, type of siding on existing and proposed structure, the color of the existing house and trim, color samples of the proposed structure and trim, and exterior lighting arrangements.

D. For additional information please see other applicable sections of the Guidelines such as painting, lighting, windows, and roofs.

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All construction shall be completed in a timely manner and with professional workmanship. Trash, bulk materials, and general disruption of the worksite shall be kept to a minimum. Construction of new residences or major additions must be substantially completed within 18 months of the date of approval by the A&EC Committee. All other improvements must be completed within six months.

11. It is strongly recommended that the homeowner check with the County Department of Public Works, Baltimore Gas and Electric Company, Chesapeake and Potomac Telephone Company, and Jones InterCable Co. prior to any work. These offices will gladly mark all of their services to prevent a dig-in of existing underground utilities.

12. You may not use or disturb the Open Space or public right-of-way during construction.

## 2. Aerials/Antennas

1. See this heading in Article VIII of the covenants for additional information.

r • Aerials/antennas may be located inside the residence without an application.

3. Where construction is proposed to conceal a conventional television antenna or a satellite dish, guidelines appropriate to "additions" will apply and an application is required. Connecting cables should be concealed and shall not be run across the roof or the face of the building.

## 4. No tower will be permitted.

## 3. Air Conditioners/Heat Pumps/Heat Exchangers

1. Central air conditioning units, heat pumps or heat exchangers installed on the side of the house must use either screening, color selection, or painting to minimize visibility.

2. Window or wall mounted units are not permitted.

4. Aerials

1 See this heading in Article VIII of the covenants for additional information.

**See also Noxious/Offensive Activity, Dog Houses, and Maintenance .**

## 5. Attic Ventilators

1. This includes any attic ventilator that is exterior to the structure.

2. No part of the ventilator shall protrude more than 12 inches above the roof surface.

3. All exposed parts are to be painted to match the exterior color of the material they penetrate.

4. The ventilator must be roof mounted, located on the least visible side of the roof and below the ridge line.

5. If the airflow through the ventilator is blocked, this must be done from the inside of the structure.

6. The application should show the location and elevation of the ventilator.

## 6. Awnings/Sun Trellises

1. Sun control devices should be compatible with the architectural character of the house in terms of style, color, and materials. Cloth and/or wood are the preferred materials.

2. Awnings should be of straightforward design without decorative embellishment.

3. Awnings and trellises should be consistent with the visual scale of the house to which they are attached.

4. The location of any awning or trellis should not adversely affect views, sunlight or natural ventilation of neighbors.

5. Pipe frames for canvas awnings should be painted to match trim or the dominant color of the house. If awnings are removed for winter storage, pipe frames shall be removed.

## 7. Basketball Backboards

1. The backboard may be attached to the house or garage only when this location cannot easily be seen from the street or by neighbors.

2. Post and backboard installations should be located in the least objectionable part of the property as viewed from the street or by neighbors.

3. All commercial backboards are acceptable. A home-made backboard should be either clear plastic, painted white, or painted to match the background to which it is attached. A marker square on the backboard is allowed in any compatible color.



4. **Moveable backboards do not require an application, but shall not be left in view when not in use.**

## 8. Burning/Storage

1. See this heading in Article VIII of the covenants for additional information.

2. See Maintenance also.

## 9. Chimneys/Smokestacks

1. Masonry or siding enclosed construction is the most architecturally appropriate style for chimneys. Masonry and siding shall be of the same type, style, and color as the adjacent wall finishes.

2. Unenclosed chimney pipes are not permitted.

## 10. Clothes Lines

1. Permanent clothes hanging devices are not permitted unless located or screened so as not to be visible from the street or by neighbors. Temporary units shall not be visible from the street or by neighbors and must be removed or retracted when not in actual use.

## 11. Common Areas/Open Space

1. See this heading in Article VIII of the covenants for additional information.

2. The mowing or clearing of Open Space is prohibited. Trash and debris may be removed and the area cleaned, but no other use is permitted.

## 12. Decks/Patios/Walkways

1. For any extension or changes in existing patios, decks, or walkways, the new materials should be compatible with existing work.

2. Walkways from the residence to the street are prohibited.

3. Generally, new patios, decks or walkways should:

A. Disturb existing contours as little as possible. Terracing should follow existing land contours and should be built in small increments or railings should be provided.

B. Provide reasonable visual and acoustical privacy for both applicants and neighbors. This may be accomplished by design, screening, or plantings.

4. Decks should be constructed of durable materials. All visible portions, excluding stairs, should be wood. Wood may be painted or stained to match or compli-

ment the house siding or trim. Wood may be left to weather.

5. The use of metal decks and stairs is prohibited, except metal spiral stairs will be considered on a case-by-case basis.

6. Applications should include the following information:

A. Site plan showing the relationship of the proposed improvement to the house, lot and neighbors.

B. Descriptive drawings (plan and elevations) including dimensions, height above grade and details of railings and stairs.

C. List of proposed materials.

D. Sketch indicating the removal or relocation of any plantings, meters or air conditioning equipment.

E. Description of proposed changes to exterior lighting or alterations in existing doors or windows.

## 13. Dog Houses/Dog Runs

1. Dog houses and runs must be located behind the house. Exceptions will be made to accommodate unusually shaped lots or areas where the structure will not be visible from the streets or by neighbors. Dog houses and dog runs should not be located near property lines. Dog houses or runs should match existing structures or fences as closely as possible in color, texture and style.

2. Size should be proportionate to lot and structure size.

3. Materials should be the same as existing structures or fences; other materials will be acceptable if they are treated (i.e., painted or stained) to blend with existing materials. The use of wire fencing only, rather than split rail and wire combination fences will be considered, providing it is completely screened with trees, shrubs or other natural material so that it is not visible from the street or by neighbors. (See Fencing)

4. Applications should include the following information:

A. Site plan showing the relationship of the proposed dog house or run to the house, lot and neighbors. Exact dimensions must be given.

B. List of proposed materials and finishes.

C. Descriptive drawings of the dog house with dimensions.

5. An "invisible type" fence will be considered on a case-by-case basis.

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## 14. Driveways

**1. Driveways should be constructed of concrete or asphalt for reasons of maintenance and appearance. Gravel will be permitted on a case-by-case basis.**

2. Partial surfacing with unlike materials is not permitted. Additions to an existing driveway shall be of the same material as the existing driveway.
3. **Asphalt driveways shall be at least 2 inches thick after compaction.**
4. An existing driveway may be replaced or repaired without an application if there is no change of materials, size, shape or grade.
5. **An application is required for a new driveway or an addition to an existing driveway. Any changes in grade should be clearly shown on a site plan along with the location of trees.**
6. It is strongly recommended that the homeowner check with the County Department of Public Works, Baltimore Gas and Electric Company, Chesapeake and Potomac Telephone Company, and Jones InterCable Co. prior to any work. These offices will gladly mark all of their services to prevent a dig-in of existing underground utilities.

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The County requires an Entrance Permit for any new driveway, change in location, vertical grade, horizontal realignment or repair. A permit may also be needed for any asphaltic overlay in the County right-of-way.

## 15. Excavations

See this heading in Article VIII of the covenants for additional information.

2. Any excavation, fill, ditch, diversion dam or other living thing or device and any change in the grade of any lot of more than six inches is prohibited.

16. Fences

1. See this heading in Article VIII of the covenants for additional information.
2. Fundamental to the plan for *The Ridges at Annapolis* is the concept of open space. The preservation of green space and natural features, as well as a feeling of openness, contributes significantly to the desirability of *The Ridges at Annapolis* over typical subdivisions.  
~ Fences and other barriers should therefore be used sparingly.

3. Property line fences are not acceptable since they erode the concept of open space and the benefit it provides to the whole community.

**4. As a general rule, opaque (e.g. board-on-board) fencing is permissible only if located near the dwelling. Fences which extend to property lines or which are distant from the residence should be transparent (e.g., split rail).**

5. Fencing should not extend forward of the front line of the house. On corner lots the fence should not extend past the side line of the house on the side of the house facing the street, or the rear line of the neighboring houses.

6. Fencing should match or blend with the existing adjacent fencing. Attached opaque fences should be stained to match or compliment the wood siding color or trim color of the house.

7. Gates should match the fence in material, style, color and height.

### 8. General guidelines:

A. Chain link fences, stockade fences, and hedge fences along the property line are prohibited.

B. Split rail or similar fences shall not exceed 42 inches in height except where county laws require 48 inches.

C. Wire mesh may be attached to the interior of an approved fence. It should be a flat dark color, rustproof, 2 inches by 4 inches welded wire mesh. Chicken wire and chain link are prohibited.

D. Any fence or any addition to a fence which could cause harm is prohibited.

## 17. Gazebos/Screened Enclosures

1. Gazebos, screened enclosures and similar items that are integral to the house must be architecturally compatible with the house.
2. Free standing gazebos, screened enclosures and similar items must be compatible with the style and color scheme of the main house. Wood items may be allowed to weather naturally. Metal items are prohibited.

## 18. Grills/Barbecues (Permanent)

1. **All permanent grills and barbecues must be located behind the rear line of the house.**

1. Gutters or downspouts may be replaced or repaired without an application if the color matches the house or trim. An application is required for all other changes.

20. Hot Tubs and Whirlpools

1. Exterior hot tubs and whirlpools shall not create an acoustic or visual impact on neighbors. They shall be located to the rear of the residence and generally not more than 20 feet from it. They shall not protrude more than 3 feet above the adjacent ground or deck level and shall blend with surrounding structures. Additional screening, privacy fences, and landscape buffers are encouraged to reduce the impact on neighbors.

2. Applications should include the following information:

A. A site plan showing the location of the hot tub/whirlpool, the applicant's house, property lines, and neighbors.

B. Dimensions, type, and color of materials.

3. **Safety measures such as a secure lid and/or a fence should be installed with hot tubs and whirlpools.**

21. Interference

1. See this heading in Article VIII of the covenants for additional information.

2. Any plantings, etc. that would be offensive to neighbors, and any use of the public right-of-way with plantings and/or walks is prohibited.

22. Landscaping/Plantings/Gardens

Landscaping and Plantings

A. Individual shrubs (unless used as a hedge), foundation plants, small annual or perennial beds, ground covers, and the like may be planted without an application.

B. Removing any live tree whose trunk is over 6 inches in diameter measured at a point 2 feet above the ground is prohibited; removing any holly or laurel trees or shrubs is also prohibited.

C. Plantings used as a hedge, windbreak, or for screening purposes along the property lines are prohibited.

D. **Landscaping or gardening involving a change of grade or the installation of a wall or any other structure more than 6 inches is prohibited.**

E. Sculpture, works of art, or related objects installed in front of the residence, whether lighted or not, are prohibited.

F. Structures or plantings in the Streetscape I which is the public right-of-way and the first 25 feet of each abutting road, are prohibited.

G. Artificial decorative objects such as painted rocks, birdbaths, plastic items, concrete or other types of animals, etc., which can easily be seen from the street or by neighbors are prohibited.

2. Gardens (Vegetable)

A. **Vegetable gardens may be placed in the back yard without an application if planted on a grade which does not cause drainage problems.**

B. All gardens must be properly maintained and dead vegetation, plant supports, and temporary fencing must be removed at the end of each growing season.

23. Lighting

1. Exterior light fixtures may be replaced without an application if accomplished with a realistic match to the old fixtures. If a change in style, size, shape, color, or positioning is desired, or if additional light fixtures are to be installed on existing or new structures, an application is required. Applications for exterior additions, such as garages, should include details of the lighting fixtures proposed. An application is required for all proposed changes in exterior lighting.

2. **All** exterior lighting should be installed so as not to shine on neighbors. Lighting that is considered harsh in color or intensity should not be used.

3. Fixtures should enhance the daytime appearance of the house and appear as an integral part of the design of the house or its landscaping. Post lights should not exceed 7 feet in height.

4. Fluorescent and sodium vapor lights have commercial associations, are harsh in color and are prohibited.

5. An application is required for all security lighting

A. Exterior lighting of this type must be considered more carefully because of the impact on neighbors. Light fixtures should be oriented to illuminate only a specific area, such as a doorway. Some lights may have to be shielded in a manner similar to some street light installations to prevent unwanted or excessive intrusion of light on the neighbors.

B. Lighting for security can be achieved using decorative fixtures which enhance the home's appearance. The following alternative lighting methods should be considered:

(1) Landscape lighting around the property or at strategic locations highlighting trees or other major plant material.

(2) Decorative lights usually associated with entrances, e.g., coach lamps at the front door and at patio doors.

**(3) General lighting where the fixture is mounted inconspicuously.**

6. Temporary lighting for decoration, holiday and festival use is permitted without an application. However, such lighting should only be in place for the holiday and not left more than a few days beyond the time appropriate for its use. Lighting and wiring on, over, or across any public street or the public right-of-way is prohibited.

#### 24. Maintenance

1. Maintenance is a major concern for all residents and is covered by several sections in the covenants which state in part that:

A. No lumber, metals, bulk materials, refuse or trash shall be kept, stored, or allowed to accumulate on any lot. Refuse and trash includes but is not limited to garbage, unusable items, items no longer in use, vehicle parts, dead vegetation, tree branches, and plastic and paper bags.

B. The owner of each lot shall maintain the lot and dwelling and all improvements in good order, condition, and repair and in a clean, sightly, and sanitary condition.

2. The ban on burning trash includes garbage burning.

3. Out of season items, tools, ladders and other similar items may not be stored in the open.

4. County law requires owners to pick up after their pets and dispose of waste material in a sanitary manner or face legal penalties. This applies to dogs and cats, on and off of one's property including all open space and public land.

5. Firewood shall be stacked and maintained in good order, shall be raised to protect against rodents and other pests, and shall be located in an inconspicuous place. Woodpiles are not acceptable in front of the front line of the house. The A&EC Committee may limit the amount of wood to a reasonable level.

#### 25. Noxious/Offensive Activity

1. In addition to Items in the covenants, this includes barking dogs, unnecessary machinery and building noise, band practices, unsightly/smelly compost piles, and unsightly material or equipment on the property.

#### 26. Other Alterations

1. It is impossible to write the guidelines necessary to cover all improvements. For any proposed improvement not discussed in these Guidelines, please submit an application with emphasis on proper scale, materials, color, and impact on neighbors.

#### 27. Painting/Staining

1. An application is required when the structure or any part thereof is to be painted or stained a color different than its existing color. The new paint or stain is considered to be different, if the color itself changes (for example, yellow instead of green) or if, while the color remains the same, it is lighter or darker than the original. An application is not required when the new paint or stain is the same as the original in both these respects.

2. The use of "land" or "earth tone" colors is encouraged in the repainting or staining of contemporary styled homes. In cases where the choice is not in the "land" color range, the prime consideration will be whether the house will continue to blend in a complimentary way with its surroundings. Paler and brighter colors, as well as "land" colors, for traditionally styled houses, will be considered in the color ranges presently existing in the surrounding neighborhood. Residents are discouraged from adding colors when two or more colors (such as door, trim, or main house color, etc.) already exist.

3. Painting or otherwise applying graphics, artistic impressions, etc., to the residence or any other structure is prohibited.

#### 28. Pools

1. Portable children's wading pools not more than 6 feet in diameter and 18 inches deep are permitted without an application. An application is required for all other pools.

2. A fourfoot fence compatible with the design style of the house is required to enclose the pool and other related pool equipment and must meet the Fencing Guidelines and County requirements. Solid fences at the property line will not be approved. A split rail fence requires 2 inches x 4 inches welded wire mesh on the inside of the fence and gate. Approval of the fence is contingent upon the completion of the pool. Landscape buffers such as shrubs and planting beds are encouraged to

soften the visual impact of the pool and fencing on neighbors. In addition, the homeowner should consider safety within the pool area as well as the impact of increased noise levels on neighbors.

3. POOLS should be located to the rear of the house.

4 Applications should include a site plan showing location and dimensions of the pool, its equipment and fences in relation to applicant's house, property lines and neighbors. In addition, changes in landscaping, grading, lighting, decks or any other alteration must be clearly shown on the site plan.

### 29. Professional/Home Industry

1. See this heading in Article VIII of the covenants for additional information.
2. A professional office or home industry may be maintained provided that such use is in strict conformity with the provisions of any applicable zoning law, ordinance or regulation and meets the following criteria:
  - A. Be conducted by members of any recognized profession, including doctors, dentists, lawyers, architects, and the like, but not including medical or dental clinics.
  - B. Be owned, operated, and limited to the persons actually residing in the dwelling except for occasional part-time help.
  - C. Be limited to 10% of the total floor area of the dwelling unit.
  - D. Not require the outdoor storage of materials, equipment, commercial vehicles and/or supplies. Distribution/Dealer-ship type of business or sales offices are prohibited.
  - E. Not require the alteration of the dwelling unit in any way which would make it unsuitable for future use as a residence or require the construction of accessory buildings or building additions not suitable for normal residential uses.
  - F. Not create unpleasant odors, undue noise, excessive pedestrian or vehicular traffic, or make unusual demands on community facilities or services, including on the street parking.
  - G. Not use Open Space as part of the business.

### 3. Conditions for Approval

- A. Approved applications shall be valid for one year, after which re-application must be made. The A&EC Committee may, at its option, waive this

requirement on a case-by-case basis.

### B. Approved applications are not transferrable to a new owner or a new location within the community. -

c. Any variance from the terms of an approved application will be considered a violation.

D. No sign or other advertising device of any nature shall be placed upon any lot, except that one sign not exceeding two square feet in area and not illuminated may be attached to the dwelling. This restriction does not prohibit the use of professional titles such as M.D., Attorney-At-Law, etc. on small (2 inches x 4 inches) nameplates located on doors or adjacent to doorbell buttons.

### 4. Exceptions

A. No approval is required for occasional casual use, such as garage sales or yard sales, provided all evidence of this use is removed at night, and that such use is not conducted on more than six days in any six month period.

### 30. Renters/Boarders/Shared Living

1. It is neither the intent nor the desire of the A&EC committee to regulate the lifestyle of residents. However, when certain living arrangements take on the nature of a business venture, it is the responsibility of the Committee to provide guidelines for such use.
2. Shared living arrangements are not viewed as subject to control of the Committee. For the purpose of these Guidelines, such an arrangement exists when all occupants have unrestricted access to and enjoyment of all rooms, including kitchen, and spaces in and around dwelling unit, and living and housing costs are shared in a manner comparable to a similar family group.
3. Keeping roomers/boarders for payment is prohibited.
4. The subdivision of a dwelling unit by partitioning or any other means in order to create two or more dwelling units is prohibited.

### 31. Residing/Reroofing/Restyling

1. Siding or roofing may be replaced without an application if the color and material matches the existing residence. If the proposed material differs in color or texture from the existing material, an application is required.
2. The style of existing trimwork at soffits, corners, eaves, windows and doors, and of accent panels, shutters or other stylistic features should be retained in the siding design.

3. It is the owner's responsibility to find out whether proposed materials meet County Building, lining, and Fire Codes.

In those cases where residents wish to alter the stylistic features of the existing residence (for example, by replacing rough, vertical-groove panels with smooth, horizontal clapboard siding or by adding shutters or accent panels), the A&EC Committee will render a decision based on:

- A. The size and shape of the residence in relation to existing and proposed materials.
- B. The variety of styles and materials of the houses immediately surrounding the residence.
- C. The overall visibility of the residence.
- D. The material and color samples provided.

### 32. Sheds/Playhouses/Treehouses

- 1. Sheds and playhouses should generally be located only in the rear of the house.
- 2. The design and color scheme must match or be compatible with the house. Roofing, siding, and trim materials should be of the same type and color as the house.
- 3. Metal and shed kits are prohibited.
- 4. If the house is resided, reroofed, restyled or repainted, the shed or playhouse should be modified to match.
- 5. Treehouses are prohibited.

### 33. Signs

- 1. See this heading in Article VIII of the covenants for additional information.
- 2. With the exception of temporary signs advertising the sale or rental of residential property or security signs or professional office sign, no temporary or permanent sign or other advertising device of any nature shall be placed upon any lot. In addition, the erection and placement of all signs must be in compliance with the County Sign Ordinance.
- 3. No temporary sign shall be larger than six square feet in area nor stand more than six feet above the ground, measured from the top of the sign. Realtors will be permitted to use their logos, trademarks and other color schemes.
- 4. Signs will not be erected on trees, light poles, street signs, or official neighborhood identification signs. No

more than one temporary sign may be placed on any property. One directional sign is permitted on a corner leading to an open house but must be removed after the open house has taken place.

- 5. Signs will be neatly lettered, clean, have a professional appearance, and will be maintained in good condition.
- 6. A resident's name sign used in conjunction with the mailbox is permitted.

### 34. Skylights/Solar Collectors

- 1. An application is required for all of these items.
- 2. Solar collectors/skylights represent a large visual impact on a structure; it is important to properly integrate them into the design of the house as much as possible.
- 3. Solar collectors should be located to give maximum advantage to the user but minimum visibility from the street or by neighbors. Solar collectors on a sloping roof should be parallel to the roof surface; on a flat roof they should be set back and concealed with a parapet unless integrated with the roof design of the structure.
- 4. Solar collectors/skylights should be constructed of glass with wood or metal trim. All trim should be painted to match the color of the roof. All pipe work should be concealed.
- 5. Free standing solar collectors must be located behind the structure and completely concealed from the street and neighbors. Otherwise, they must be worked into another architectural element.

### 35. Storm Windows/Doors/Screens

- 1. Screens, storm windows, or storm doors may be replaced without an application if the color and style matches the house and they are a straight-forward design with little decorative embellishment. An application is required for all other types of improvements.

### 36. Subdivision

- 1. See this heading in Article VIII of the covenants for additional information.
- 2. Leasing of the entire dwelling is permitted if the dwelling is leased to an individual who actually resides on the property and an executed copy of the lease is provided to the Board of Directors.

### 37. Swingsets/Sandboxes

- 1. Swing sets and play equipment should be located behind the house as inconspicuously as possible. New swing sets and sandboxes do not have to be painted;

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however, when the equipment needs to be painted or stained, it should blend in with the residence.

2. Sandboxes may be installed without an application if they do not exceed 20 square feet in area and 1 foot in height and are located behind the house as inconspicuously as possible.

#### 38. Temporary Structures

1. See this heading in Article VIII of the covenants for additional information.
2. Temporary structures include any items not specifically addressed in these Guidelines.
3. A purely temporary structure may be allowed if such a structure will be in use for less than one year or the duration of the purpose requested, whichever is shorter.
4. See also Basketball Backboards, Clotheslines, Dog Houses, Gazebos, Grills, Hot Tubs, Sheds, Swing sets and Sandboxes.

#### 39. Transmission Lines

1. See this heading in Article VIII of the covenants for additional information.
2. French or rubble style drains are permitted.

#### 40. Trash/Garbage Containers

See this heading in Article VIII of the covenants for additional information.

2. Household garbage/trash is to be placed in covered plastic or metal containers for collection.
3. Trash may not be put out before dusk of the night prior to pickup and receptacles must be collected the night of pickup and located out of sight behind the residence or in the garage. Enclosures for trash containers are not permitted in front of the residence or in plain view of neighbors.

#### 41. Trees and Shrubs

1. See this heading in Article VIII of the covenants for additional information. ~
2. **See** also Landscaping/Plantings/Gardens.

#### 42. Vehicles/Boats/Campers

1. See this heading in Article VIII of the covenants for additional information.
2. Major repair or renovation of vehicles, boats, trailers, campers, and similar items is prohibited except in enclosed garages. Minor repairs outside of the garage must include complete cleanup of repair materials and tools at the end of the day.
3. Boats, trailers, campers, recreational vehicles, trucks larger than a pick-up truck, any vehicle with commercial lettering or sign, inoperable vehicles, unregistered vehicles, or any similar items shall not be parked or stored in the open on any lot.
4. No vehicle whether operable or not may be parked on residential property in the open on any area other than the driveway or approved parking pad.
5. **Carports are not permitted.** ,"