

**WHITEHALL SQUARE HOMEOWNER'S
ASSOCIATION, INC.**

Architectural Design Guidelines and Standards

and Application Procedures

July 26, 2007 version

WHITEHALL SQUARE HOMEOWNER’S ASSOCIATION, INC.
Architectural Design Guidelines & Standards and Application Procedures
May 19, 2006 version

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I. Introduction

All properties within the jurisdiction of the Whitehall Square Homeowners Association, Inc. (“**Association**”) are subject to the Architectural review and approval provisions set forth in Article VIII of the Declaration of Covenants, Conditions and Restrictions for the Association, as recorded on _____, 2005, among the Land Records of Montgomery County, Maryland in Deed Book _____ at Page _____, *et seq.* (the “**Declaration**” which term shall include any and all subsequent corrections, modifications, amendments, and supplements thereof). These Architectural Design Guidelines & Standards and Application Procedures (“**Design Guidelines**”) are intended for use by Lot Owners to assist in the submission of applications for Architectural review under the Declaration.

Pursuant to the Declaration, no construction or development activities, including, without limitation, clearing, landscaping, excavation, grading or other site work, shall be commenced, erected or maintained on any Lot or the Common Area, no building, structure or other improvement of any kind, including, without limitation, fences, walls, mailboxes, swimming pools and decks, shall be commenced, erected or maintained within the Property, and no exterior addition, change or alteration of any nature to the Lots or other existing improvements within the Property, including, without limitation, changes in color, changes or additions to driveway or walkway surfaces and landscaping modifications, shall be commenced, erected or maintained (all of the foregoing are referred to herein, individually and collectively, as “**Improvements**”) unless and until complete plans and specifications for such Improvements have been approved, in writing, in accordance with the applicable provisions of these Design Guidelines and Article VIII of the Declaration.

In general, these Design Guidelines have been prepared to guide the construction of Improvements within the Association, consistent with the following objectives:

- To provide a framework for maintaining Architectural and design quality.
- To promote respect and sensitivity for the natural environment.
- To encourage consistency and continuity of design while allowing flexibility for achieving creative design solutions.

These Design Guidelines are intended to further implement the Architectural controls set forth in the Declaration, and shall in no event be deemed to limit, modify, amend or be in conflict with any specific provision of the Declaration. In the event of any conflict between the Declaration and these Design Guidelines, the terms and provisions of the Declaration shall control.

IT IS HIGHLY RECOMMENDED ALL OWNERS READ AND UNDERSTAND THE PROVISIONS OF ALL SECTIONS OF ARTICLE VIII AND IX OF THE DECLARATION OF COVENANTS AND RESTRICTIONS PERTAINING TO ARCHITECTURAL CONTROLS, USE RESTRICTIONS AND PROHIBITIONS, DETAILS OF WHICH MAY NOT BE EXPRESSED IN THESE GUIDELINES BUT WHICH MAY AFFECT ANY PROPOSED CHANGE, ALTERATION OR ACTION.

Unless otherwise defined in these Design Guidelines, all capitalized terms used herein shall be defined as set forth in the Declaration.

II. Design Review Process

A. General

No Improvement of any kind shall be commenced, erected or maintained upon the Property until complete plans and specifications showing the nature, kind, shape, height, massing, materials, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography, and conformity with the design concept for the Property, by the “**Architectural Design Control Committee**”, in accordance with Article VIII of the Declaration. As explained more fully in the Declaration, the Declarant initially exercises all rights and powers of the ADCC under the Declaration. Ultimately, these powers will be transferred to the Board of Directors of the Association (“**Board**”), to be exercised by the Board (or its Management Agent), or by a separate appointed by the Board in accordance with the Declaration. For ease of reference these Design Guidelines will generally refer to the architectural review entity as the “**Architectural Design Control Committee**” or as the “**ADCC**”, and all references to the Architectural Design Control Committee or the ADCC herein shall be deemed to refer to the Declarant, the Board of Directors (or its Management Agent) and/or the Architectural Design Control Committee, as applicable in accordance with Article VIII of the Declaration.

The Lot Owner or applicant is responsible for complying with the provisions of these Design Guidelines, initiating the reviews and obtaining the required approvals. There are no exemptions or automatic approvals, unless specifically granted by the Declaration and each application will be reviewed on an individual basis. The absence of information regarding any specific improvement, change or alteration is not intended nor does it waive a Lot Owners obligation per the Declaration

B. Review

The ADCC or it’s designated agent will review the application and accompanying information for completeness. Submissions that do not have the necessary information for review shall be deemed to be incomplete and will be returned to the Lot Owner or applicant. The following procedure will apply to all **Architectural Change Request (ACR)** submissions:

The ADCC will consider any and all exterior elements of a project’s design including size, bulk, organization, architectural style, detail, color, material, quality of workmanship, materials, harmony of design, impact on subject and adjacent properties, and all other factors that, in the opinion of the ADCC, affect the appearance and suitability of the project.

Under certain circumstances, adjacent owner approval may be required as a condition of ADCC approval.

For more information about the specific steps of the review process, refer to *Section II.J “Application Procedures”*.

C. Notification of Committee or Board Decisions

The ADCC shall render a decision and respond in writing within sixty (60) days after receipt of the fully completed application and other requested information, if any. However, a review and decision for most applications generally will be provided within thirty (30) days.

If the review period has lapsed without notification, the ACR is deemed “approved as submitted”, however, this provision shall not allow Lot Owner to make a change to or otherwise use the Property in a manner specifically prohibited in Article IX of the Declaration.

D. Approvals

The ADCC's approval of any proposed Improvement is within its sole discretion. The Board may enforce or modify, in whole or in part, any or all of these Design Guidelines.

Approval by the ADCC does not relieve the Lot Owner or applicant of the responsibility of obtaining all other necessary approvals and permits required by Montgomery County, the State of Maryland and other municipalities or agencies having jurisdiction over the project or improvement, and to conform with all building and zoning ordinances in effect at the time. The Lot Owner or applicant should contact Montgomery County, as may be appropriate, before beginning any work to verify required approvals or permits.

Notification of the ADCC's final approval constitutes an agreement by the Lot Owner or applicant not to deviate from the approved plan unless such proposed deviation has been submitted to the ADCC and has been expressly approved in writing by the ADCC.

Approval by the ADCC shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the item being reviewed, nor shall such approval be substituted in lieu of applicable governmental approvals and permits or be deemed to constitute a determination as to compliance with local building and zoning ordinances, governmental guidelines or restrictions. The ADCC shall not bear any responsibility for ensuring structural integrity or soundness or compliance with building codes and other governmental approvals or requirements, or ensuring that any improvements are located so as to avoid impairing views from or other negative impacts on other homes, including, without limitation, property line encroachments. Neither the ADCC, nor any member thereof shall be liable for soil conditions, drainage problems or other site work, nor for defects or errors in any plans or specifications submitted as part of an application, nor for any structural or other defects in Improvements constructed according to an approved application, nor for any injury, damages, or loss arising out of the manner, design or quality of any approved Improvements.

E. Appeals

The decisions of the ADCC shall be final except that any Member dissatisfied with a decision of the ADCC that is made following termination of the Declarant Control Period may, within Seven (7) days after the rendering of such decision, make an appeal thereof to the Board of Directors. Not less than Fifteen (15), nor more than Sixty (60), days after the noting of such appeal, the Board of Directors shall conduct a hearing thereon. Within Fifteen (15) days of such hearing, the Board of Directors may affirm, reverse, modify or remand the decision appealed. A simple majority of the Board of Directors shall be required to reverse a decision of the ADCC. The Board of Directors are hereby authorized and empowered to promulgate reasonable rules of procedure for the conduct of such appeals and hearings. Decisions of the Board of Directors may be appealed to the Montgomery County Commission on Common Ownership Communities.

F. After Approval

If the Lot Owner or applicant desires to make any changes to the approved plan during construction, a revised application must be submitted to the ADCC. Construction must be completed as approved and any changes from the original plan must be approved by the ADCC prior to implementing any such change.

G. Inspection and Compliance

Upon completion of any construction or alteration, the Board, its Management Agent, or the ADCC may inspect the property to confirm that construction is in compliance with the approved plans. Periodically, the Management Agent or the ADCC may inspect any Whitehall Square Property for compliance with the Declaration and these Design Guidelines and Covenant standards.

H. Violations

In the event of a Covenant violation, the Board shall seek to obtain compliance informally through letters and personal contact with the Owner. If these efforts fail, the Board shall inform the Owner of the violation in writing by U.S. mail (certified receipt) or other confirmatory delivery means, giving the Owner reasonable time in which to correct the violation. If the violation is not corrected, the ADCC and/or the Board may impose: (1) loss of community privileges and fines and (2) any legal remedies allowed by the Declaration.

I. Application Requirements

Since Improvements may vary greatly in scope and complexity, application requirements will depend upon the specific Improvements being submitted for review.

All Improvements require submission of a completed **Architectural Change Request (ACR)**, a copy of which is included as **Exhibit "A"** to these Design Guidelines. Additional copies can be obtained from the ADCC.

The guidelines for specific Improvements set forth in Section III herein provide the best source of information for the specific items that must be included with the application. Generally, a complete application includes the following:

- A brief written description of the project.
- A site plan (if applicable) showing the location and size of the project.
- Scaled drawings showing what is proposed.
- A brochure, catalogue photo, or manufacturer's information of what is proposed (if applicable).
- Material or color samples (if applicable).
- Any other submission requirements applicable to the specific Improvements, as set forth in Section III.

Additionally, photographs of the existing condition and/or examples of similar projects can be included with the application to further clarify the proposed Improvement.

The ACR must be signed by a Lot Owner on the Deed of record, if the Applicant is not the Lot Owner.

J. Application Procedures

1. Obtain an Architectural Change Request (ACR) form. A copy of the ACR form is attached as **Exhibit "A"**. You may also obtain an application by contacting:

IKO Real Estate, Inc.
Whitehall Square Homeowners Association, Inc.
3403 Olandwood Court, Suite 101
Olney, Maryland 20832
Phone: 301-924-4050 Phone: 301-924-9389

2. Carefully read the current approved Design Guidelines. A version date stamp is provided on the cover page of these Design Guidelines. You may confirm or obtain the latest version by contacting the ADCC at the above address.
3. Develop your plan which includes consideration of the impact on your neighbors and adjacent owners.
4. Complete the application as clearly and thoroughly as possible, ensuring all exhibits and other supporting information is submitted with the Application.

5. Mail or deliver your completed application to the Management Agent or Architectural Design Control Committee, as designated, at the above address.
6. Upon receipt, the ADCC will date stamp the ACR and assign a tracking control number. Applications will be processed by the ADCC on a first-come, first-served basis.
7. The ADCC will review your application to determine if the information provided is sufficient for ADCC review. If not, you will be required to provide additional information. Incomplete applications are returned to the Lot Owner or applicant with details regarding missing information.
8. The ADCC will provide a written response to your application by regular mail within sixty (60) days after the full and complete application, plans, specifications, and applicable fees have been submitted. If you do not receive a decision within sixty (60) days, contact the ADCC. If the review period has lapsed without notification, the ACR is deemed “approved as submitted.”
9. All Improvements must be commenced within six (6) months of the receipt of written approval from the Architectural Design Control Committee and must be substantially completed within six (6) twelve months of the date of commencement or within such other period as the ADCC may specify. If construction is not commenced within the aforementioned period, then the approval by the ADCC shall lapse and approval shall again be required.
10. Should you feel you have been aggrieved by any decision of the ADCC after the lapse of the Declarant Control Period, you may appeal the decision to the Board of Directors.

K. New Construction

The approval of the Declarant under Article VIII of the Declaration shall be the only approval required pursuant to these Design Guidelines or the Declaration with respect to the construction of the initial Improvements on a Lot by the Developer or a Participating Builder, and the provisions of these Design Guidelines shall not otherwise be deemed to be applicable with respect to the initial Improvements constructed on a Lot by the Developer or a Participating Builder, unless expressly provided otherwise by Declarant, in its sole discretion. The provisions of these Design Guidelines do not apply to the Declarant, or to any successor or assignee of the Declarant designated by the Declarant in writing.

These Design Guidelines have been prepared to assist the ADCC and Lot Owners and/or applicants with the design and review process, and contain both mandatory requirements and suggested guidelines. Where the terms “shall” or “must” are used, the statement constitutes a mandatory requirement. Where the terms “preferred” or “should” are used, the statement constitutes a suggested guideline provided for the guidance and convenience of Lot Owners and/or applicants but does not necessarily require the ADCC to approve the design elements referenced in such guideline. Notwithstanding the foregoing, the ADCC may, in its sole discretion, waive or modify any mandatory and/or suggested requirements in appropriate circumstances.

These specific Design Guidelines include submission requirements. Generally, photographs (digital or otherwise) are encouraged but not required. Photographs depicting current conditions and annotated with the proposed changes or photographs of similar completed projects can expedite the review process.

Lot Owners or applicants are encouraged to review their projects with their neighbors before submitting an application to the ADCC. Application approval may be contingent on the Lot Owner or applicant securing approval by the deed owners of neighboring properties.

III. Guidelines

A. Guidelines for Specific Improvements

1. Additions/Alterations (Major)

General Considerations

Additions/alterations may include any room additions or extensions, garages, sunrooms, porches, etc. Additions shall be planned and designed with the same care and consideration as any initial townhome construction.

The addition/alteration shall be visually integrated with the existing townhomes through the consistent and complementary use of Architectural elements, materials, colors and other details. The design must be compatible with the existing townhomes in style, character, scale, massing, materials and colors.

In general, additions/alterations to Townhome Lots shall be consistent with the materials and options used by the builder in constructing the initial Improvements on such Lots.

See also: Doors, Roofing, Siding, Windows/Window Treatments.

Specific Guidelines

- The size and location of the addition should be appropriate in relation to the existing townhome and space available on the property.
- The addition should minimize any tree removal.
- The design and location should consider any adverse impact on adjacent townhomes that may result through the elimination of privacy or the removal of existing views.
- Changes in grade or drainage patterns must not adversely affect subject or adjacent townhomes.
- The design of the addition should repeat significant Architectural elements of the existing townhome such as roof lines, windows, trim details, materials and colors.
- The new roof pitch should, if possible, match that of the existing roof pitch.
- New windows and doors should be the same type, material and color as those of the existing townhome.
- Supplemental landscaping may be required to compensate for the removal of significant vegetation.

Submission Requirements

- A copy of the existing site plan showing the townhome, property lines, setbacks, easements, and any accessory structures, significant vegetation; and the location of the proposed addition/alteration.
- Complete plan and elevation drawings, to scale, showing the existing townhome and the proposed addition/alteration.
- A list of all exterior materials and samples of proposed colors.
- Catalogue photographs or manufacturer's cut sheets of items, such as exterior light fixtures, as applicable, including sizes, materials and colors.
- A landscape plan, as applicable, is required.

2. Air Conditioners/Heat Pumps

General Considerations

Utilities and related mechanical and electrical equipment such as air conditioners, heat pumps, condensers, meters, etc. shall be located so as to minimize their visual and acoustical impact on neighboring properties.

Generally, no application is required for the replacement of existing approved equipment of exact size and appearance in the currently approved location.

The installation of air conditioners/heat pumps shall be consistent with the materials and options used by the builder in constructing the initial Improvements.

Specific Guidelines

- The size and appearance of the proposed air conditioner/heat pump unit should be appropriate for its residential setting.
- Through-the-wall and window mounted units are **prohibited**.
- One fan may be temporarily placed in rear facing windows and must be removed on a daily basis.
- Any air conditioner/heat pump in a highly visible location may require landscape or Architectural screening.

Submission Requirements

- A copy of the existing site plan showing the townhome, significant vegetation, property lines, setbacks, and the location of the proposed air conditioner/heat pump.
- Catalogue photographs or manufacturer's cut sheets of the unit including its dimensions and color.
- If screening is proposed, include drawings indicating dimensions, details, materials and proposed colors.
- Where applicable, provide a planting plan indicating the proposed type and location of existing or proposed vegetation.

3. Animal Enclosures

General Considerations

All outdoor animal enclosures including dog houses, dog runs, and hutches, are **prohibited**.

4. Antennas/Satellite Dishes

General Considerations

Only antennas/satellite dishes sheltered under the FCC Telecommunications Act of 1996 will be permitted. Notwithstanding the above, external wiring must be concealed and securely fastened so as to be as unobtrusive as possible. Though the installation of antennas/satellite dishes does NOT require an application, the Association shall review such installations to ensure placement, color, and landscaping connected with the installation reduces visual impact to the maximum extent possible while conforming to Federal guidelines.

Installed video satellite dishes and video antennae should generally meet the following criteria:

- Exterior satellite dishes and video antennae shall be mounted on the rear roofs, walls, or deck of the townhome. Exterior satellite dishes and video antennas may be mounted on the front roof of the townhome **only** if acceptable signal quality is **not** possible with a rear roof, wall, or deck mounting. Exterior satellite dishes and video antennas shall not be mounted on the front wall of the townhome, on ground-mounted masts, or on fences;
- Exterior video antennas shall not exceed one (1) meter (1 m = 39.37") in diameter;
- Exterior video antennas shall not have large vertical structures (e.g., parabolic and flat panels);
- Feed lines for exterior satellite dishes and video antenna shall be more than one (1) foot below the roofline peak.

5. Art Work

General Considerations

Art work, includes but is not limited to, fountains, sculpture/statuary, etc. When considering the type and location of art, the size of the property and proximity to adjacent residences are important factors.

In general, art work shall not be intrusive and must be appropriate to its surroundings. If visible from neighboring properties, art work may be required to be screened by natural vegetation and/or landscaping.

Specific Guidelines

- Art work shall be located in the rear yard only
- Generally, no more than one large piece of art will be permitted on any property.

Submission Requirements

- A copy of the existing site plan showing the townhome and any accessory structures, fences, significant vegetation, property lines, setbacks, and the proposed location of the art work.
- A photograph of the art, including dimensions, material, and color.
- Where applicable, provide a planting plan indicating the type and location of existing or proposed landscaping.

6. Attic Ventilators

General Considerations

Attic ventilating equipment shall be selected, located and installed so as to minimize its appearance on the townhome and visibility from neighboring properties and the street.

Generally, no application is required for the replacement of existing approved ventilators of exact size and appearance in the currently approved location.

In general, the installation of attic ventilators shall be consistent with the materials and options used by the builder in constructing the initial Improvements.

Specific Guidelines

- The size and appearance of proposed attic ventilators should be appropriate for their residential setting.
- Attic ventilators shall be painted a flat black or a flat finish paint to match the roof color.
- Attic ventilators shall be located to the rear of the roof ridge line and shall not extend above the highest point of the roof. Attic ventilators shall not extend more than twelve (12) inches above the roof surface.
- Rotating or wind-powered turbine ventilators are **prohibited** because of their size and movement.

Submission Requirements

- Photographs or manufacturer's cut sheets of the ventilator equipment including dimensions and information about its material and color.
- Drawings or photograph of its proposed location, including the material and color of the surface.

7. Awnings

General Considerations

In general, sun control achieved through interior window treatments and/or landscaping is preferred to the installation of individual awnings on windows.

Awnings should be harmonious with and enhance the architecture of the townhome. The style, size, material and color of the awning must be compatible with the architecture of the townhome.

Generally, no application is required for the replacement of existing approved awnings of exact style, design and color to the original.

Specific Guidelines

- Individual awnings are **prohibited** on front and side elevations.
- Fabric is the preferred material. Metal, plastic, vinyl or other materials will generally not be approved.

Submission Requirements

- A copy of the existing site plan showing the townhome and any accessory structures, significant vegetation, property lines, setbacks, and the location of the proposed awning(s).
- Elevation drawings to scale showing the townhome and the proposed awning and its extension. Include a list of materials and exterior colors of the townhome.
- Catalogue photographs or manufacturer's cut sheets of the proposed awning showing colors.

8. Basketball Backboards (Permanent)

General Considerations

Due to the proximity of units, the installation of a permanent basketball backboard is not permitted on any Townhome Lot.

9. Chimneys/Flues

General Considerations

Chimney and metal flue additions should be planned and designed with the same care as initial construction and should be visually integrated with the architecture of the townhome. The design and location must be compatible with the subject and adjacent townhomes in style, scale, massing, materials, and colors.

Metal flues shall be selected, located and installed so as to minimize their appearance on the townhome and visibility from neighboring properties and the street.

In general, chimneys and flues shall be consistent with the materials and options used by the builder in constructing the initial Improvements on such Lots.

Specific Guidelines

- An exterior masonry chimney must be constructed to grade and must not appear to be suspended above the ground.
- Chimneys should be constructed of materials and colors that match, or are harmonious with, the materials and color of the townhome.
- A masonry chimney should be constructed to match stone, brick and/or other masonry materials used elsewhere on the townhome.
- A rooftop metal flue should be on the side least visible from the street and neighboring properties (usually the rear sloping roof), be no higher than the minimum required by the Montgomery County Building Code, and be painted flat black or a flat finish paint to compliment the roof color.
- Wooden enclosures of flues shall be constructed of the same materials as the townhome siding, trim and color.

Submission Requirements

- Elevation drawings, to scale, showing the addition of the chimney or flue, and the location of windows, doors, overhangs, and other pertinent details.
- A list of materials and proposed colors.
- If enclosure of the flue is proposed, a list of all materials and proposed colors.
- Catalogue photographs or manufacturer's cut sheets of rooftop and direct-vent metal flues, associated spark arrestors and other accessories, including dimensions, and color.

10. Clotheslines

General Considerations

Pursuant to the Covenants, clotheslines, other outdoor clothes drying apparatus and outside drying and airing of clothing, bedding and similar materials are **prohibited**.

11. Color Changes

General Considerations

Generally, no application is required for repainting/restaining (or the replacement of siding) with a color/medium that is the same as that which is being replaced.

Specific Guidelines

- Proposed colors and materials must be compatible with other existing or proposed exterior colors and materials on the townhome, such as roofing, siding, etc.
- When repainting/restaining, generally, the entire townhome is to be repainted/restained at one time.
- Use of the same manufacturer of paint/stain is important; considerable variation may exist between color “names” of different manufacturers.

Submission Requirements

- Drawings or photographs showing the townhome and marked to indicate the proposed location of replacement siding if applicable.
- Where a change in material is proposed, such as the addition of siding or brick, include elevation drawings, to scale, showing the location of all areas proposed to be changed.
- Identify the manufacturer, material and specific color “name” and number; and provide chips of all proposed paints or stains keyed to the elements to be finished.

12. Compost Bins

General Considerations

Compost bins should be selected and located so as to minimize their impact on adjacent neighbors. The location should be as far as possible from neighboring properties and streets, and should take advantage of screening provided by existing or proposed structures and/or vegetation.

Specific Guidelines

- Must be located in the rear yard and must be screened by fencing or landscaping.
- No more than one bin will be permitted on any property.
- The size of a compost bin is generally limited to four (4) feet in height and a footprint no larger than sixteen (16) square feet. The size may be further limited by the ADCC due to specific Lot considerations.

- The bin should be self-contained, sturdily constructed of durable wood, plastic, or metal, and finished in a dark, muted color or left to weather naturally (if wood).
- The compost bin should be properly maintained so that it does not create a visual, odorous, or environmental nuisance.

Submission Requirements

- A copy of the existing site plan showing the townhome, any accessory structures, significant vegetation, property lines, setbacks, and the location of the proposed compost bin.
- If pre-made, include a catalogue photograph or manufacturer’s cut sheets of the compost bin, including dimensions, material, and color.
- If self-constructed, include a plan and elevation drawing(s) identifying dimensions, material, and color.
- Where applicable, provide a planting plan indicating the proposed type and location of vegetation or other screening, existing or proposed.

13. Decks

General Considerations

In general, the deck shall be an appropriate size for the area in which it is to be located, with consideration for its physical and visual impact on adjacent properties. It shall be harmonious (in configuration, detail, material and color) with the architecture of the townhome.

Modifications or additions to an existing deck should incorporate the same materials, colors and detailing as were used by the builder in constructing any existing deck or initial Improvements on such lots.

NOTE: All lots are subject to a twenty foot (20’) Building Restriction Line (BRL) established by the Montgomery County Zoning Ordinance. In accordance with Section 59-B-3.1 of this Zoning Ordinance (as may be amended from time to time), roofed, but not enclosed porches and decks, may extend into such rear BRL not more than nine feet (9’).

See also: Porches, Sunrooms.

Specific Guidelines

- Decks are to be located at the rear of the townhome.
- Decks and any stairs shall not extend beyond the side walls of the townhome. The side walls of the townhome are defined as the major side walls of the townhome and do not include bay windows, chimney enclosures, porches or other such projections.
- Changes in grade or drainage pattern must not adversely affect subject or adjacent properties.
- Upper-level decks shall be attached directly to the townhome. Only ground level decks may be approved as freestanding decks.
- Stairs for upper-level decks should be parallel or perpendicular to the edge of the deck or be set immediately adjacent to the deck in an L-shaped configuration.
- Decks shall be constructed of: (1) pressure-treated wood, redwood or cedar, left to weather naturally or stained in a muted color that is harmonious with the colors of the townhome; and/or, (2) a comparable synthetic material (such as composite lumber, vinyl, or vinyl clad lumber) which is an acceptable material for deck construction. “Comparable” is defined herein as meaning comparable durability and structural integrity.

- Deck railings (including pickets) must be white synthetic material (such as Trex).
- Deck support post should be pressure treated wood and should not be wrapped in white vinyl or other materials.
- A solid trim board (rim joist) shall be provided on any open side of the deck to conceal the joists.
- Decks should be constructed in such a way that cross-braces are not required.
- Privacy screens should be constructed of lattice, properly framed and installed directly on top of the railing. The total height of the railing and screen must not exceed seven (7) feet above the deck floor.
- Privacy screens should be limited to small areas of the deck. Privacy screening will be evaluated on a case-by-case basis. As a guideline, the total amount (length) of privacy screening should be limited to no more than thirty percent (30%) of the perimeter of the deck.
- Under-deck screening should be compatible with the architecture of the townhome and deck. Any lattice must be properly framed and recessed. All under-deck storage areas shall be appropriately screened (e.g., pressure treated lattice, effective natural landscaping, etc.).
- Any benches, flower boxes, trellises, arbors, etc., should be designed as a part of the deck.

Submission Requirements

- A copy of the existing site plan showing the townhome, property lines, setbacks, easements, including significant vegetation, existing patios and decks, fencing, accessory structures, and the location of the proposed deck, screening, and any other proposed elements.
- A plan, to scale and dimensioned, showing the townhome and the proposed deck, screening, and any other proposed elements.
- For upper level decks and decks of more than one level, provide elevation drawings, to scale, showing the townhome and the proposed deck, including the height above grade, stairs and any other proposed elements.
- Detailed drawings of railings and any benches, planters, privacy screens, etc.
- The committee may require samples of proposed colors and materials if other than pressure treated wood.
- The committee may require photographs showing the townhome and site marked to show the location of the proposed deck.
- A landscape and/or ground cover plan, if applicable.

14. Doors

General Considerations

Doors shall be compatible in style with the architecture of the townhome. Doors shall be of quality material and workmanship, and shall be consistent in proportion, detailing and style. The style, material, color, detailing and installation of a new or replacement door must be consistent with that of existing doors.

Storm/screen doors must not distract from or alter the appearance of the townhome. Front storm doors shall be full view only.

Generally, no application is required for the replacement of existing doors, or storm/screen doors, that are exact in type, style and color to those provided by the builder. All other proposed doors require application.

In general, the addition/replacement of doors, including storm/screen doors, shall be consistent with the materials and options used by the builder in constructing the initial Improvements on such Lots.

Pet doors shall not be installed on any front elevation.

Specific Guidelines

Door Additions/Replacements

- Doors and door frames should be clad or painted with a color consistent with other doors, windows and townhome colors. Color shall comply with the guidelines for Color Changes.
- Wood doors, if allowed, must be protected with stain or paint to prevent an uneven weathered appearance.
- Mill-finished clear or gold anodized aluminum is not permitted.
- Windows shall have clear glass. Reflective glass tinting is not permitted.
- Bars over doors (decorative or otherwise) are not permitted

Storm/Screen Doors

- Storm/screen doors that are appropriate to the architecture of the townhome may be approved on a case-by-case basis in the sole discretion of the ADCC and/or the Board of Directors, as may be appropriate.
- Storm doors may be finished the same color as the door they enclose or in a color complementary with the townhome colors.
- New or replacement doors should match the type, style, material and color of options used by the builder in construction the initial Improvements on the Lots.

Submission Requirements

- Where a new door is proposed, elevation drawings, to scale, showing the existing townhome and the proposed location of the doors.
- Catalogue photographs or manufacturer's cut sheets identifying door type and style, including the specific 'name' of the door, if applicable, and dimensions, materials and colors.
- A sample of the door finish and color, if applicable.

15. Driveways/Parking Pads

General Considerations

Generally, the addition/alteration of driveways/parking pads is **prohibited**; applications will be reviewed on a case-by-case basis.

16. Fences

General Considerations

Fence designs shall be selected from the options provided in **Exhibit "B"** and shall conform to the guidelines specified herein.

The fence material must be pressure treated lumber. The use of chain link and other wire material(s), plastic or composite, or other materials for fencing is **prohibited**.

The permanent or long-term use of wire, string or plastic sheeting to demarcate property boundaries is **prohibited**. **Temporary** use of string to demarcate boundaries or plastic sheeting to inhibit soil erosion during an approved project is allowed.

Fences are to be erected on the property line of Lots only, with the exception of end townhouse units. Fences for end units may only extend fencing to the outside wall of the house and may not extend forward of the rear foundation wall.

It is recommended that homeowners complete a professional property survey prior to completing and/or submitting an ACR.

No ACR is required for “invisible” fencing that is used to contain family pets within certain areas of the Lot.

Specific Guidelines

- In accordance with Section 15.8 of the Declaration of Covenants, no fence can be erected within the areas designated or otherwise labeled as “PUE” on the Subdivision Plats. The placement of fences that will be affected by the existence of a PUE along the rear lot line are lots:

Lots 33 through 62, Block “A”

Lots 1 through 13, Block “B”

Lots 24 through 34, Block “B”

- Fences are to be erected on the perimeter of said lot provided that no fence shall be erected forward of the rear building line of the dwelling on the lot upon which any such fence is erected. In accordance with Section 15.8 of the Declaration of Covenants, no fence, wall, shed or other permanent structure shall be erected within the areas designated or otherwise labeled as “PUE” (Public Utility Easement) on the Final Plats. In addition, any fence erected parallel to any lot’s rear lot line shall have a gate or other opening to allow the Gas Company free, unfettered, immediate and continuous access to the dwelling’s gas meter in accordance with the easement established by Section 15.4 of the Declaration of Covenants.
- Fences shall be erected along the inside edge of the property line or centered on the property line. If the fence is centered on the property line, then the deed owner(s) from the adjoining Lot(s) shall jointly submit and sign the fence ACR. The installation of fences on both sides of a property line is **prohibited**.
- Fences must adjoin existing adjacent fencing.
- Fencing must extend to the side and rear property lines.
- Fencing cannot extend forward of the rear foundation wall or past the side wall of end unit townhomes.
- Wood fences shall be left to weather naturally or stained in a muted color and treated with an appropriate clear sealant.
- Gates shall be constructed of designs and materials to match adjoining fences. Gate hardware should be substantial, rust resistant, and have a black, brass, or bronze finish.
- Fences shall have finished fence post tops or caps.
- Fences should be installed with a uniform height and spacing for their entire length.
- Fences should generally be installed with the grade using a sloped frame.
- Fences must be six (6) feet in height. Exceptions to the height rule may be made to accommodate adjacent fences or to balance the visual impact of the fence with the grade of the land being fenced.

Submission Requirements

- An accurate copy of the existing site plan drawn to scale showing the townhome, patios and decks, existing fences, accessory structures, retaining walls, significant vegetation, property lines, setbacks, easements, and the location of the proposed fence.
- A drawing or photograph of the fence design, including dimensions, material and color. (see Exhibit “B” for acceptable fence styles.)

17. Flags/Flagpoles

General Considerations

Flags, banners and flagpoles shall be temporary in placement and should be located so as to minimize their impact on neighboring properties

Free-standing flagpoles shall be **prohibited** on Townhome Lots, with the exception that free-standing flagpoles shall be permitted on builder’s models and sales offices until they are sold and occupied by homeowners.

The colors, design and message of the flag or banner will not be reviewed. Flags may not be torn, tattered, or controversial in nature

Specific Guidelines

- Generally, no more than one flag will be permitted on any property.
- The flag or banner should not exceed fifteen (15) square feet in size.

18. Front Façades

General Considerations

All requests to change a front façade on any townhome is **prohibited**.

19. Garage Alterations

General Considerations

Garage alterations shall be visually integrated with the existing and adjacent townhomes through the consistent use of Architectural elements, materials, colors and other details and shall be consistent with the materials and options used by the builder in constructing the initial Improvements on such Lots.

Specific Guidelines

- Conversion of garage space to living space is **prohibited** by the Covenants.

Submission Requirements

- A copy of the existing site plan showing the townhome, any accessory structures, etc., significant vegetation, property lines, setbacks, easements, and the location of the proposed garage alteration.
- Complete plan and elevation drawings, to scale, showing the townhome and the proposed garage alteration.
- A list of all exterior materials and samples of proposed colors.
- Catalog photographs or manufacturer's cut sheets of outdoor light fixtures and other "off-the-shelf" items, as applicable, including sizes, materials and colors.
- A landscape plan, as applicable, or required.

20. Gutters and Downspouts

General Considerations

The design, color and location of gutters and downspouts must be compatible with the architecture and colors of the townhome.

The installation of gutters and downspouts shall be consistent with the colors, materials, and options used by the builder in constructing the initial Improvements.

Alterations such as the addition of water collection devices require an ACR and shall be temporary in nature.

No application is required for the replacement of existing approved gutters and downspouts of exact size and appearance in the currently approved location.

Specific Guidelines

- Gutters and downspouts shall match existing gutters and downspouts.
- Downspouts must be brought to grade.
- Downspout extensions, including underground drain pipe, must not detrimentally impact subject or adjacent property including common area walkways.

Submission Requirements

- Drawings or photographs of the townhome marked to show the locations of the proposed gutters and downspouts.
- Catalogue photographs or manufacturer's cut sheets showing their profile, dimensions and color.

21. House Numbers

General Considerations

House numbers should complement the Architectural style of the townhome. House numbers within a neighborhood or street should be compatible in design and located to be clearly visible.

The installation of house/unit numbers shall be consistent with the materials and options used by the builders in constructing the initial Improvements on such Lots.

Specific Guidelines

- House numbers must be legible, Arabic numerals, no taller than six (6) inches and should contrast with the color of the background to which attached.
- Custom designed house numbers may be approved if they are simple, appropriate, and relate to the architecture of the townhome.
- Any request for a house number address change or correction must be requested through the Developer or Board of Directors.

Submission Requirements

- A photograph or drawing of the house numbers, including dimensions, material and color.
- A drawing or photograph showing the location of the numbers in relation to the front entrance.

22. Landscaping (Plantings and Related Elements)

General Considerations

Landscaping is an integral part of the overall image and character of Whitehall Square. It should enhance the architecture of the townhome, the natural beauty of the environment and the overall quality of the neighborhood.

The preservation of wooded areas should be maximized through the retention and maintenance of existing trees. Landscaping and the addition of plant materials are important in the screening of items such as pools, decks, patios, fencing, parking areas and utility equipment.

In general, well maintained turf, low ground cover, flower beds, evergreens, small flowering trees and the use of native materials are encouraged.

No approval is required for the installation of plantings, including trees or hedges, unless a landscape or planting plan is required as a part of the review of another application. Installation of landscaping must not alter the existing drainage pattern. Significant structural elements related to landscaping, such as retaining walls, paved areas, steps, etc., must be submitted for review and approval.

While landscaping is the preferred means to providing visual privacy, an ACR is required for any planting that can function as a privacy screen, wall, fence, or hedge as a result of number, size, and location of plantings. Plantings of this nature may also be subject to the guidelines set forth in *Walls and Retaining Walls*.

Soft-Landscaping (e.g., Trees, Shrubs, Plants, Gardens, etc.)

An ACR is not required for trees. However, trees that produce material(s) such as seedpods, nuts, berries and fruits shall only be located in the rear yard and shall be placed so that they do not drop material(s) on adjoining Lots.

An ACR is required for any plant (other than a tree) that will exceed six (6) feet in height at maturity.

Prohibited Plants

The following trees and plants are **prohibited** due to their pervasive effect on the soil and/or potential effect on adjacent property: Bamboo, Silver Maple, Female Ginkgo, Weeping Willow and Catalpa. Additional trees and plants may be prohibited by state or local law.

Fruit and Vegetable Gardens

An ACR is not required for fruit and vegetable gardens that meet the following criteria. The garden:

1. Shall be located in the rear yard;

2. Shall not exceed one hundred (100) square feet
3. Shall not damage any property located below or next to the garden through runoff or erosion; and,
4. Shall be neatly maintained in such a manner as to not constitute a nuisance to adjacent owners. Decayed and rotting produce and plant material(s) shall be regularly removed.

Landscaping Enhancements

The homeowner is responsible for complying with all easement restrictions.

No structure, planting or other material shall be placed or permitted to remain upon any Lot which may damage or interfere with the easement for the installation or maintenance of public utilities, or which may unreasonably change, obstruct or retard direction or flow of any drainage channels.

Water Features (e.g., Ponds, Streams, Fountains, etc.)

An ACR is required for water features (e.g., ponds, streams, fountains, etc.) and must include a mechanism for continuous movement of the water to prevent mosquitoes for breeding. Water features shall be properly maintained and shall not create unpleasant odors or unsightly algae growth.

Water features should have a footprint no larger than sixty-four (64) square feet.

The homeowner is responsible for complying with all Montgomery County zoning and building ordinances.

Hard Landscaping (e.g., Borders, Rock Cover, etc.)

An ACR is required to replace with rock (“hard ground cover”) more than twenty-five (25) square feet of grass, mulch, wood chips, plants, or other soft ground cover.

An ACR is required for border features (e.g., rock, brick, or rabbit fence borders around trees and flower beds) greater than twelve inches (12”) in height.

Specific Guidelines

- Trees and shrubs must be located so as not to obstruct significant views from neighboring residences or restrict sight lines from vehicular traffic.
- Plant materials should be appropriate in character, habitat, species, size (both installed and mature), number, and arrangement for their purpose and surroundings.
- Dark Brown wood chips or shredded wood should be used for mulch, rather than colored wood chips, colored shredded wood, pebbles or gravel.
- Stone used as accent elements, ground cover, or paving material, should be chosen so that its color, size, and installation complement the architecture of the townhome, the natural environment and associated plant materials. Massive or overall paving of yards, or covering yards with decorative stones as a primary design element is **prohibited**.
- Regrading must not negatively impact subject or neighboring Properties.
- Small landscape-related elements such as bird feeders, bird baths, and small decorative garden ornaments are permitted in the rear yard provided they are less than thirty (30) inches in height and twenty-four (24) inches in diameter.
- A description of the water supply and disposal systems for any proposed water feature.

Submission Requirements

- A copy of the existing site plan showing the townhome, property lines, setbacks, easements, including significant vegetation, existing patios and decks, fencing, accessory structures, and the location of the proposed landscaping elements.
- A plan, to scale and dimensioned, showing the townhome and the proposed landscaping elements.
- The committee may require photographs showing the townhome and site marked to show the location of the proposed landscaping.

23. Lead Walks

General Considerations

A new or replacement lead walks shall be consistent with the materials and options used by the builder in construction the initial Improvements.

The addition of any lighting is subject to the Guidelines set forth in *Lighting*.

Specific Guidelines

- Lead walks shall be built flush with the ground and match the existing grade.
- Changes in grade or drainage pattern must not adversely affect subject or adjacent properties.
- Replacement lead walks shall follow the same path as the original lead walk and shall begin and end at the same locations.

Submission Requirements

A copy of the existing site plan showing the townhome and any front porches or stoops, fencing, accessory structures, significant vegetation, driveways, property lines, setbacks, easements, and the location of the walk.

- Construction drawings of paving details, steps, railings and other features, as necessary.
- A list of all materials and colors.
- A landscape plan, as applicable.
- Drawings or cut sheets of any lighting.

24. Lighting

General Considerations

All new lighting approved by the ADCC shall be subject to a ninety (90) day trial period after installation to assure that the lighting is not objectionable to surrounding residents. The ninety (90) day period shall commence on the date of the ADCC's written approval of the lighting. If, at the end of the ninety (90) day period, the ADCC determines that the lighting is not unreasonably offensive or an annoyance to surrounding residents, the ADCC's approval shall be final; otherwise, the lighting shall be removed or modified in accordance with the decision of the ADCC.

Lighting, including decorative and security, shall be selected and located so as to be an integral part of the townhome and yard. Fixture style, configuration and location must be compatible with the architecture of the townhome, and properly proportioned to the building facade.

Lighting shall be selected and located so as to minimize its impact on neighboring properties. The location of security lights on the townhome should be as inconspicuous as possible. Fixture design, wattage, color, location and direction should minimize glare onto neighboring properties, pedestrian walkways, and streets.

No application is required for the replacement of an approved lighting fixture which is an exact match in type, size and appearance.

See also: Ornaments, (Temporary) Decorations, and Signs, Security Devices.

Specific Guidelines

- Lighting must be a “white” color such as incandescent, metal halide, mercury vapor, etc. Color-corrected “white” high pressure sodium may be considered on a case-by-case basis. High pressure sodium vapor (yellow-orange) lights and high wattage commercial/industrial type fixtures are specifically **prohibited**.
- A new or replacement light fixture should be either an exact match or compatible in style, design, size, color, finish, type and lamp wattage with the original or approved fixture it is replacing.
- Security lighting such as spotlights or floodlights may be permitted if incorporated as part of the overall building design and should be selected and located so as to minimize its impact on neighboring properties. Fixtures should be shielded and directed to prevent glare or spillover of light onto neighboring properties. Unshielded flood lights, wall packs, and cobra head lights are **prohibited**.
- Security light fixtures (floodlights) will not be approved as replacements for fixtures at entry doors.
- Ground floodlights must have deep shields to effectively screen the light source from view and they should be carefully directed so that no glare impacts adjacent properties. Tree-mounted lighting is **prohibited**.
- Exterior light fixtures should be hard-wired so that there is no visible wiring or conduit.

Submission Requirements

- A copy of the existing site plan showing the townhome, and any accessory structures, driveway, sidewalk, lead walk, fencing, significant vegetation, property lines, setbacks, easements, and the location of the existing and proposed (new or replacement) lighting.
- Catalogue photographs or manufacturer’s cut sheets of lighting fixtures, including dimensions, wattage, lamp type, finish and color.
- Drawings describing custom fixtures, where applicable.

25. Maintenance and Property Use

Each homeowner shall keep his or her property, including all improvements, in good order and repair, in a clean, sightly, and sanitary condition, and free of debris. Each homeowner shall properly maintain all buildings and other improvements in a manner and with such frequency as is consistent with good property management, including but not limited to painting, maintenance of mailboxes, and sealing of driveways.

Except for hoses and the like which are reasonably necessary in connection with normal lawn maintenance, no water pipe, sewer pipe, gas pipe, or drainage pipe shall be installed or maintained on any Lot above the surface of the ground.

Lawn and Landscaping Maintenance

Lawns shall be maintained in good order and repair and free of debris. Lawns shall be seeded, watered, weeded, and mowed as needed. In general, grass should not exceed six inches (6") in height. Trees and shrubs shall be pruned as needed. Landscape plantings that die shall be replaced or removed in a timely manner (with consideration given to the season).

Materials Storage

Yard goods include, but are not limited to, mulch, top soil, gravel, stones, peat moss, fertilizer, landscape plantings, drainage materials, border/edging materials, and retaining wall materials. Bagged yard goods shall **only** be stored in the back yard, if shielded from street view, and shall be neatly stacked. The stored material(s) shall not occupy more than sixteen (16) square feet and no more than four (4) feet in height.

Bulk yard goods shall be neatly and safely stored within the homeowner's property. Bulk yard goods shall be installed within fourteen (14) days from the delivery date.

Construction materials shall be neatly and safely stored within the homeowner's property. Construction materials shall not remain in front street view for more than fourteen (14) days after delivery. Excess materials shall be removed within fourteen (14) days following completion of the project(s). Accumulation of debris during construction is **prohibited**.

Firewood Storage

An ACR is not required for exposed firewood stacks smaller than one and one-half (½) cords. For safety reasons, exposed firewood racks **with** side supports shall **not** exceed six (6) feet in height, and exposed firewood stacks **without** side supports shall **not** exceed four (4) feet in height. Firewood shall be stacked neatly and located in the rear yard, if shielded from street view.

26. Ornaments, (Temporary) Decorations, and Signs

An ACR is not required for temporary exterior holiday and seasonal ornaments (including ornamental lights and artificial or natural greenery). All ornaments shall **not** be displayed earlier than thirty (30) days prior to the relevant holiday and shall be removed within thirty (30) days following the relevant holiday. All seasonal holiday lighting shall be reasonable in quantity and location.

27. Patios

General Considerations

A patio shall be designed and located to be harmonious with the architecture of the townhome and to mitigate the impact of its use upon neighboring properties.

In general, the patio shall be an appropriate size for the area in which it is to be located and should be constructed of wood, concrete, slate, brick or other masonry or stone material. Landscaping is recommended for screening.

Modifications to existing patios must incorporate the same materials and detailing as the approved existing patio.

Specific Guidelines

- The patio shall be designed as an integral part of the townhome and property.
- The patio location shall be in the rear yard only.
- Design and location should minimize any tree removal.

- Changes in grade or drainage pattern must not adversely affect subject or adjacent properties.

Submission Requirements

- A copy of the existing site plan showing the townhome, property lines, setbacks, easements, significant vegetation, existing patios and decks, fencing, accessory structures, and the location of the proposed patio.
- A plan, to scale, showing the existing townhome and the proposed patio, including materials.
- Detailed construction drawings of railings, steps, etc.
- A landscape plan, as applicable.

28. Permanent Grills, Outdoor Ovens, and Outdoor Kitchens

General Considerations

An ACR is required for any permanent grill, outdoor oven, or outdoor kitchen.

An ACR is **not** required for non-permanent grills or ovens. Non-permanent grills and ovens shall be stored in the rear yard inside when not in use.

When planning a permanent grill, outdoor oven, or outdoor kitchen, the size of the property, relationship to adjacent residences, and the size of the project and related accessory structures must be considered. Permanent grills, outdoor ovens, and outdoor kitchens shall be compatible with the existing townhome in style, character, scale, massing and the use of materials, colors and details.

Specific Guidelines

- No more than one permanent grill will be allowed.
- Wherever possible, permanent grills, outdoor ovens, and outdoor kitchens should be integrated into the architecture of the townhome, walls, and/or fencing. Please note, grilling is prohibited on decks or within 20 feet of any home.
- Permanent grills, outdoor ovens, and outdoor kitchens in a visible location may require screening by fencing and/or landscaping to effectively reduce the visual impact from neighboring properties.
- Location of permanent grills, outdoor ovens, and/or outdoor kitchens shall not alter the existing drainage flow or adversely impact subject or neighboring properties.
- The design and location should consider any adverse impact on neighboring properties through either the elimination of privacy or the removal of existing vegetation.

Submission Requirements

- A copy of the existing site plan showing the townhome and any deck, patio, fencing, accessory structures, significant vegetation, property lines, setbacks, and the proposed location of the permanent grill, outdoor oven, or outdoor kitchen.
- Include a plan and elevation drawings, to scale, with dimensions, materials, and colors. If built against the rear wall of the townhome, also include this elevation incorporating the proposed permanent grill, outdoor oven, or outdoor kitchen.

29. Porches

General Considerations

Porch additions shall be designed as an integral part of the townhome. The initial design of many townhomes may have included porches, decks, patios and privacy screens as options.

When planning porches, the size of the property, relationship to adjacent residences, and the size of the porch must be considered. Porch/screened porch additions shall be compatible with the existing townhome in style, scale, massing and the consistent use of Architectural elements, materials, colors and other details.

In general, porch additions shall be consistent with the materials and options used by the builder in constructing the initial Improvements on such Lots.

See also: Decks

Specific Guidelines

- The size and location of the porch should be appropriate to the existing townhome and space available on the property.
- The design and location should consider any adverse impact on subject and adjacent properties, including changes in grade or drainage.
- Porches/screened porches must be attached directly to the townhome.
- Windows and doors should be the same or be compatible with the material and color of the existing townhome.
- Where more substantial porches/screened porches are to be constructed on upper-level decks, special attention must be given to the massing of the addition in order to visually integrate the porch with both the townhome and the ground.
- Supplemental landscaping may be required to compensate for the removal of vegetation and to visually soften the addition.

Submission Requirements

- A copy of the existing site plan showing the townhome and any fencing, accessory structures, significant vegetation, property lines, setbacks, easements, and the location of the proposed porch.
- Complete plan and elevation drawings, to scale, showing the existing townhome and the proposed addition.
- A list of all exterior materials and samples of proposed colors, if applicable.
- Catalogue photographs or manufacturer's cut sheets of "off-the-shelf" items, as applicable, including sizes, materials and colors.
- A landscape plan, as applicable.

30. Recreation and Play Equipment

General Considerations

Play equipment should be selected and located so as to minimize its visual and acoustical impact on adjacent properties. Design and location should visually integrate the structure into its surroundings and should take advantage of any screening provided by existing vegetation.

When considering play equipment, the size of the property, wooded area, equipment size, material, color, relationship to adjacent residences and amount of visual screening are important factors.

There are two (2) types of recreation and play equipment:

1. **Non-Permanent**

Non-permanent recreation and play equipment are items that remain in place during active use, or for a short period of time during inactive use. Non-permanent equipment includes, but is not limited to, bicycles, balls, plastic sliding boards, toys, and wading pools.

2. **Semi-Permanent and Permanent**

Semi-permanent recreation and play equipment are items that may be relocated, but generally remain in one place. Permanent equipment is any item that is permanently anchored or attached in a fixed location. This equipment remains in place even when **not** in active use. Semi-permanent and permanent equipment includes, but is not limited to, swings, gymnastic sets, volleyball nets, jungle gyms, trampolines, play sets and playhouses.

Non-Permanent Recreation and Play Equipment

An ACR is **not** required for non-permanent equipment.

Non-permanent equipment should be stored inside the townhome, garage or shed, or in the rear yard only.

Semi-Permanent and Permanent Recreation and Play Equipment

An ACR is **not** required for semi-permanent and permanent recreation and play equipment that comply with the criteria listed below. Semi-permanent and permanent equipment shall be located in the rear yard. Portable basketball backboards may be located in the driveway.

Semi-permanent and permanent equipment is **prohibited** on streets, sidewalks or common areas. All semi-permanent and permanent equipment shall be properly maintained.

An ACR is **not** required for play sets no larger than eight feet wide by eight feet deep by eight feet high (8' W x 8' D x 8' H) when measured from the point the play set touches the ground to the highest point of the structure including any canopy, but excluding any reasonably sized decorator features less than two (2') feet in height (e.g., flags). Metal play sets are **prohibited**.

See also: Basketball Backboards (Permanent), Swimming Pools.

Specific Guidelines

- Recreation and play equipment should be located in the rear yard; recreation and play equipment is **prohibited** in front yards or in side yards.
- Recreation and play equipment should be sturdily constructed of durable materials (preferably wood), and finished in a dark, muted color or left to weather naturally. Plastic, cloth or metal equipment, not including wearing surfaces such as slides, poles and climbing rungs, should be finished in solid, earth tone colors.

Submission Requirements

- A copy of the existing site plan showing the townhome and any accessory structures, fences, significant vegetation, property lines, setbacks, and the proposed location of the play equipment.
- A catalogue photograph or manufacturer's cut sheets of the play equipment, including dimensions, materials, and colors.
- If equipment is to be constructed, include a plan and elevation drawing, to scale, identifying dimensions, materials, and colors.
- Where applicable, provide a planting plan indicating the proposed type and location of vegetation.

31. Roofing

General Considerations

New, repair, or replacement roofing, must very closely match the material, quality, design and color of the original roof and must otherwise be consistent with the materials and options used by the builder in constructing the initial Improvements.

Generally, no application is required for the repair or replacement of existing roofing that is exact in material, quality, design and color.

Specific Guidelines

- When replacing roofing, the entire structure should be reroofed at one time. Partial reroofing is generally not allowed unless the additional/replacement roofing very closely matches the existing roofing.
- Replacement roofing material and associated elements should be similar in appearance and quality to the existing approved roofing.

Submission Requirements

- The manufacturer and specific color "name" of the proposed roofing material, and a sample.
- A sample of the existing roof material.

32. Security Devices

General Considerations

Security devices including cameras and alarms shall be selected, located and installed so as to be an integral part of the townhome and not distract from its architecture and appearance.

See also: Lighting.

Specific Guidelines

- Cameras and housings, sirens, speaker boxes, conduit and related exterior elements should be unobtrusive and inconspicuous. Such devices should be located where not readily visible and should be a color that blends with or matches the surface to which attached.

- Wiring should be shielded from sight.

Submission Requirements

- As a condition of approval, every Lot Owner who installs a security system with an exterior sound device must provide the Association with names and telephone numbers of at least two (2) persons, in addition to Lot Owner or resident, who has the ability to run off such alarm after any emergency or other circumstance has passed.
- A copy of the existing site plan showing the townhome and the location of all the proposed security devices.
- Drawings or photographs showing the townhome and the proposed locations of all security devices.
- Drawings showing custom design and details, where applicable.

33. Shutters

General Considerations

Shutters should be harmonious with the architecture of the existing townhome regarding the style, size, material and color of the shutters and shall be consistent with the materials and options used by the builder in constructing the initial Improvements.

No ACR is required for the replacement of existing approved shutters with shutters that are exact in size, style, and color.

Specific Guidelines

- The addition of shutters where no shutters are currently installed must be submitted for review and approval.
- New shutters should be applied to all windows on an elevation, on both sides of a window, matching the size and configuration of the window.
- Permanent removal of existing shutters must be submitted for review and approval.

Submission Requirements

- Drawings or photographs showing the townhome and the proposed location of shutters.
- Catalogue photographs or manufacturer's cut sheets of the shutters including dimensions, materials and samples of colors.
- Information regarding existing shutters on the townhome, where applicable.

34. Siding

General Considerations

The addition, repair, or replacement of siding shall be match, style and color of materials used by the builder in constructing the initial Improvements.

No application is required for the repair or replacement of existing siding with siding that is exact in size, style, material, and color. An application is required for all other repairs or replacements.

See also: Color Changes.

Specific Guidelines

- When repairing or replacing siding, all existing siding should be replaced at one time. Partial replacement of siding is generally not allowed unless the additional/replacement siding very closely matches the existing siding.
- The proposed siding material and trim details should be similar in appearance to the existing, approved siding.
- The proposed siding color should be the same as the existing approved siding color or approvable under the guidelines for *Color Changes*.
- Wood siding is not allowed.

Submission Requirements

- Photographs showing the townhome, existing siding and the proposed location of new and/or replacement siding.
- Where additional siding is proposed, elevation drawings, to scale, showing the location of all areas to be sided.
- The manufacturer and specific color “name” of both the proposed siding material, and a sample, including color chip, if applicable.
- If possible, samples of the existing siding material and color.

35. Signs

General Considerations

Signs should be selected, designed and located so as to provide effective communication while minimizing their visual impact on neighboring properties and the neighborhood. The Declarant and Declarant’s successors and/or assigns are exempt from the sign guidelines.

Except for entrance signs, directional signs, private security system signage affixed to the exterior of a dwelling and not exceeding eight and one-half inches by eleven inches (8½" x 11"), signs for traffic control or safety, and such promotional sign or signs as may be maintained by the Declarant, the Builder or the Association, no signs or advertising devices of any character shall be erected, posted or displayed upon, in or about any Lot or dwelling, provided, however, that one sign not exceeding one (1) square feet in area and not illuminated may be attached to a dwelling where an office is maintained, and provided, further, that one temporary real estate sign not exceeding five (5) square feet in area, and containing only the words, "For Sale" and the name, brokerage company and insignia (if any) and phone number of the owner or sales person, may be erected upon any Lot or attached to any dwelling placed upon the market for sale or rent. Any such temporary sign shall be removed promptly following the sale or rental of such dwelling.

No application is required for name and/or address signs.

Specific Guidelines

- An ACR is **not** required for temporary real estate signs. No more than one (1) real estate sign shall be placed upon any Lot or attached to any dwelling. One *open house* sign may also be used the day of the open house. Real Estate signs shall **not** exceed five (5) square feet in size and shall meet Montgomery County codes, zoning laws, ordinances and/or regulations with respect to content and removal. Real estate signs shall only be placed in the front yard of properties available for sale or rent, and shall be removed immediately upon the sale or rental of the property. During the time that the sign is in place it shall be properly maintained (e.g., shall **not** be visually damaged or improperly placed). Real estate signs shall **not** be hand written.
- No signs shall be in the common areas or public Right of Ways

- Political signs are **prohibited** in the Common Areas and, subject to applicable law, shall not be displayed on a Lot thirty (30) days prior to or seven (7) days after a primary election, general election or vote on a proposition.
- Subject to the above guideline on candidate or proposition signs, window signs shall be **prohibited**.
- Signs shall not obstruct any traffic sight lines.
- Signs shall not be illuminated in any manner and shall not include any moving parts.
- Signs must be well constructed, with good quality materials and must be maintained in an orderly manner at all times.

36. Skylights

General Considerations

Skylights should be visually integrated with the architecture of the townhome regarding style, location, size and color.

No application is required for the replacement of existing approved skylights of exact size and appearance in the currently approved location. New skylights shall match existing skylights.

In general, the installation of skylights shall be consistent with the materials and options used by the builder in constructing the initial Improvements.

Specific Guidelines

- Skylights shall have a low profile, be few in number, and lie flat on the roof.
- Skylights shall be installed parallel with the roof ridge and edges and shall be located on the back side of the roof ridge.
- The frame color shall match or be compatible with the roof color.

Submission Requirements

- A drawing or photograph showing the proposed location of the skylight.
- Catalogue photographs or manufacturer's cut sheets of the skylight and complete specifications including dimensions, colors, materials, etc.

37. Solar Collectors

General Considerations

Generally, roof mounted solar collectors are **restricted** on Townhomes and shall be review on a case-by-case basis.

Solar collectors (panels) shall be selected, located and installed so as to minimize their appearance on the townhome and visibility from neighboring properties and the street. The size, design, color, configuration and location of the proposed solar collectors must be compatible with the architecture of the townhome.

Specific Guidelines

- Solar collectors shall have a low profile.

- The size and number of collectors should be in proportion to the area where they are to be installed.
- All framing, piping, control devices, and wiring must be concealed from view or painted a dark color or the color of the roof.
- Ground-mounted solar collectors should be as small as possible, located in the rear yard, and screened from neighboring properties by landscaping. These installations shall be reviewed on a case-by-case basis.

Submission Requirements

- A copy of the existing site plan showing the townhome and any accessory structures, significant vegetation, property lines, setbacks, and the location of the proposed solar collectors.
- A drawing or photographs showing the proposed location of the solar collectors and a description of any visible auxiliary equipment.
- Catalogue photographs or manufacturer's cut sheets of all components including dimensions, colors, materials, etc.
- Plans of proposed landscaping or screening for ground-mounted collectors.

38. Spas/Hot Tubs

General Considerations

Spas/hot tubs should be selected, designed, and located so as to minimize their impact on neighboring properties.

In general, a spa/hot tub should be integrated visually and structurally with a rear yard ground level deck or patio and be screened from view.

Specific Guidelines

- Spas/hot tubs shall be located in the rear yard.
- Spas/hot tubs shall be screened from adjacent properties and streets by a structural screen, fence and/or landscaping.
- No more than one spa/hot tub is permitted on any property.
- Generally, the spa/hot tub should have a maximum footprint of sixty-four (64) square feet.
- When set on a deck, the spa/hot tub should be integrated both visually and structurally into the deck.
- Any mechanical equipment, pipes and wiring must be concealed or screened from view.

Submission Requirements

- A copy of the existing site plan showing the townhome and any deck, patio, fencing, accessory structures, significant vegetation, property lines, setbacks, and the proposed location of the spa/hot tub.
- Drawings, to scale, including plan and elevations, construction details and materials.
- A catalogue photograph or manufacturer's cut sheets with dimensions, materials, and colors.
- If the use of fencing is proposed, include drawings indicating dimensions, details, and material.
- Where applicable, provide a planting plan indicating the proposed type and location of landscaping.

- Any associated lighting.

39. Sprinkler and Irrigation Systems

Sprinkler and Irrigation Systems are **prohibited** on townhome Lots.

40. Storage Sheds

General Considerations

The placement of any shed must comply with any Montgomery County or municipality regulation or ordinance regarding Lot setbacks.

Storage sheds must be located so as to minimize their impact on neighboring properties. The location should take advantage of screening provided by existing or proposed structures, fences and/or vegetation.

Whenever possible, storage sheds should be visually integrated with the existing townhome through the complementary use of materials, colors and details. When planning sheds, the size of the property, relationship to adjacent residences, and the size of the shed must be considered.

Other shed designs and materials (e.g. Rubbermaid or similar) will be evaluated on a case-by-case basis.

See also: Roofing, Siding.

Specific Guidelines

- Storage sheds may not exceed sixty (60) square feet in floor area and may be erected on a Lot only if (1) constructed of a similar material and painted to matching the color of the corresponding dwelling and also must be (2) free standing, located adjacent to, and contiguous with, the rear of the dwelling and must not exceed a height of seven (7) feet. The measurement for height includes ornamental cap height installed on the roof (e.g., weathervanes, flags, etc.).
- Roofing material shall closely match material and color of roof on townhome
- No more than one storage shed will be permitted on any property.
- No metal sheds of any size or type will be permitted on any property.
- Storage sheds shall be located in rear of the dwelling only. Location the shed in the front yard and/or side yards is **prohibited**.
- Shed location shall not alter the existing drainage flow.
- Shed shall not adversely impact subject or adjacent townhomes.
- Sheds shall be installed on soil or a pad which has been leveled. Steeply sloped Lots that require one side of the shed to be elevated must give special attention to the massing of the shed; including the incorporation of skirting and/or landscaping to hide the understructure.
- Storage sheds in a visible location may require screening by fencing and/or landscaping to effectively reduce the visual impact from neighboring properties.

Submission Requirements

- A copy of the existing site plan showing the townhome and any deck, patio, fencing, accessory structures, significant vegetation, property lines, setbacks, and the proposed location of the shed.

- If pre-constructed, a catalogue photograph or manufacturer's cut sheets of the shed, including dimensions, materials, and colors.
- Include a plan and elevation drawings, to scale, with dimensions, materials, and colors. If built against the rear wall of the townhome, also include this elevation incorporating the proposed shed.
- Where the use of fencing is proposed, include a drawing with dimensions, details, material and color.

41. Sunrooms

General Considerations

Sunroom additions should be planned and designed with the same care and consideration as initial townhome construction.

The sunroom addition shall be compatible with the existing townhome in style, character, scale, massing and the use of materials, colors and details.

In general, sunrooms shall be consistent with the materials and options used by the builder in constructing the initial Improvements.

See also: Decks, Porches, Windows/Window Treatments.

Specific Guidelines

- The design and location should consider any adverse impact on neighboring properties through either the elimination of privacy, the removal of existing vegetation, or drainage.
- Sunroom additions shall be attached directly to the townhome. Free-standing structures are **prohibited**.
- Sunrooms must be construction on the rear of the townhome.
- The new roof pitch should match that of the existing roof.
- New windows and doors should be the same or compatible with those of the existing townhome.
- When located on a deck, the sunroom should be integrated both visually and structurally with the deck.
- Where the sunroom is to be located on a raised deck, special attention must be given to the massing of the addition; including the incorporation of skirting and/or landscaping to hide the understructure and visually integrate the sunroom with the townhome.
- Supplemental landscaping may be required to compensate for the removal of vegetation.

Submission Requirements

- A copy of the existing site plan showing the townhome and any deck, patio, fencing, accessory structures, significant vegetation, property lines, setbacks, easements, and the location of the proposed sunroom.
- Complete plan and elevation drawings, to scale, showing the townhome and the proposed addition.
- Detailed construction drawings.
- A list of all exterior materials and colors.
- Catalogue photographs or manufacturer's cut sheets of 'off-the-shelf' items, as applicable, including sizes, materials and colors.
- A landscape plan, as applicable.

42. Swimming Pools

General Considerations

Above-ground swimming pools (except wading pools) are **prohibited**.

Specific Guidelines

Wading Pools

- Wading pools (as intended for children's recreation) shall not exceed eighteen inches (18") in height and eight feet (8') in diameter and shall be emptied each night for sanitary and safety reasons. No ACR is required for wading pools that meet these guidelines
- Only one temporary infant or toddler wading pool will be allowed on any Lot and shall be located in the rear yard only.

43. Trash and Recycling Handling and Removal

General Considerations

Trash shall be placed in containers manufactured specifically for trash. Containers shall have a lid that is kept in place at all times. Habitual use of paper bags, boxes and/or plastic bags, etc. is not an acceptable substitute for a trashcan. On infrequent occasions when a homeowner has excess trash, every effort shall be made to put all excess trash in plastic bags, tightly tied shut to minimize wind-blown trash throughout the neighborhood.

Trash and recycling containers stored outside shall be stored or kept in the back yard only. Trash and/or recycling containers shall not be placed at curbside before 6:00 p.m. on the evening before trash and/or recycling pickup, and shall be retrieved before 11:00 p.m. on the day of collection.

No burning or burying of any trash and no accumulation or storage of litter, lumber, scrap metals, refuse, bulk materials, waste, new or used building materials or trash of any other kind shall be permitted on any Lot.

Recycling shall comply with existing Montgomery County regulations.

44. Tree Removal

General Considerations

Trees are an integral part of the overall image, character, and plan of Whitehall Square and must be protected. Trees located on Lots, within woods and other natural areas may not be disturbed without specific approval.

In general, the removal of trees will be approved if the tree is dead or if there is danger to people or property or if detrimental conditions exist. Detrimental conditions include the physical intrusion by roots and branches on townhomes in a way that causes damage, excessive shade, or blocks views and sight lines. Overgrowth may also be considered detrimental.

Trees in Whitehall Square are located in one of three areas:

- Personal Property – Any tree located within the boundaries of a Lot are the responsibility of the Lot owner.
- Common Area – Any tree located within the community common areas are the responsibility of the Association.

- Forestation Area – Any tree located within the tree protection area are protected by Montgomery County zoning ordinances and cannot be removed by the Association, Board, or homeowners.

Specific Guidelines

- Approval must be obtained to remove any original tree.
- No sound hardwood tree measuring in excess of four (4) inches diameter, Two (2) feet above the ground or more than fifteen (15) inches in height shall be removed from any Lot without prior approval.
- The installation of an appropriate replacement tree may be required as a stipulation for allowing removal of a tree.
- All approvals apply to only to the specific application. Subsequent tree removal or replacement requires a separate ACR.

Submission Requirements

- A copy of the existing site plan showing the townhome, driveway, property lines, setbacks, and the location of tree(s) to be removed.
- Photographs showing the townhome and the property identifying the tree(s) to be removed.
- A description of the tree(s) (species, height, diameter) to be removed and the reason for removal.
- Information regarding any replacement plantings, if applicable.

45. Trellises/Arbors

General Considerations

Trellises and arbors should be designed, sized, and located so as to be compatible with the existing townhome in style, character, scale, massing, materials, and colors.

In general, the addition of a trellis should be integrated visually and structurally with the architecture of the subject and adjacent townhomes. Arbors should complement the overall composition of the yard and any existing fencing/deck element.

See also: Decks

Specific Guidelines

- The preferred location should be integrated with the rear yard deck or patio. A freestanding trellis or arbor should be located in the rear yard.
- Size, height, materials, and colors should be harmonious with the size of the property and the architecture of the townhome, deck, patio, fence, etc.
- Trellises/arbors shall be constructed of: (1) pressure-treated wood, redwood or cedar, left to weather naturally or stained in a muted color that is harmonious with the colors of the townhome; and/or, (2) a comparable synthetic material which is an acceptable material for trellis/arbor construction. “Comparable” is defined herein as meaning comparable durability and structural integrity.
- Freestanding trellises/arbors shall be securely anchored.

Submission Requirements

- A copy of the existing site plan showing the townhome, any deck, patio, fencing, accessory structures, significant vegetation, property lines, setbacks, and the proposed location of the trellis or arbor.
- Drawings, to scale, including plan and elevations, materials and colors.
- If a prefabricated trellis/arbor is proposed, include a catalogue photograph and/or manufacturer's cut sheets with dimensions, materials and colors.
- Where applicable, provide a planting plan indicating the type and location of proposed landscaping.

46. Walls and Retaining Walls

General Considerations

An ACR is required for the construction or alteration of walls and retaining walls constructed of **any** material(s), and for rocks, bricks and other materials that give the appearance of a wall or retaining wall, in **any** location. Generally, berms or other types of dirt walls are **prohibited**.

Depending on size, material, and location, retaining walls may require landscaping to soften the visual impact of the wall.

Specific Guidelines

- Generally, no changes to developer or builder-installed retaining walls will be approved.
- Generally, walls should be installed to accommodate changes in grade, should be as unobtrusive as possible, and built to the minimum height needed and should be securely constructed with tie-backs or dead-men as needed.
- Walls should be made of durable materials that are compatible in color and appearance with their environment. Depending upon location, brick, heavy timbers, concrete or natural stone are appropriate.
- The top of the wall must be generally flat and level, and stepped to accommodate a change in grade.
- Walls and retaining walls must not create any adverse drainage problems.

Submission Requirements

- A copy of the existing site plan showing the townhome, driveway and any accessory structures, including pools, decks, patios, fencing, walks, significant vegetation, property lines, setbacks, easements.
- A landscape plan, if required, identifying plant materials, accurately located and drawn to scale.
- For regrading, retaining walls or terracing, show the existing and proposed grading where structural elements are proposed, include drawings showing design and installation details.

47. Windows/Window Treatments

General Considerations

Windows shall be compatible in style with the architecture of the townhome. Storm/screen windows must not distract from or alter the appearance of the townhome.

Windows shall be of quality material and workmanship, and consistent in proportion, detailing and style. The type, style, material, color, detailing and installation of a new or replacement window must be consistent with that of existing windows.

Generally, no application is required for the replacement of existing windows, and/or the installation/replacement of storm/screen windows, that are exact in type, style and color.

Window Treatments

It is recommended that when selecting window treatments the homeowner consider the appearance of any window treatment, when viewed from the street.

Except during the thirty (30) days following initial occupancy by a homeowner, sheets, paper, plastic, towels, or other similar window coverings shall not be hung, placed in, or over, nor rested upon any window in any structure except temporarily during remodeling and repair projects.

Specific Guidelines

Window Additions/Replacements

- New windows and/or frames shall be compatible in style, color, and character with existing windows and/or frames, and their proposed locations must be appropriate to the architecture of the townhome.
- Individual replacement windows must match or be compatible with existing windows in design, configuration, material, frame width, and color.
- Mill-finished clear or gold anodized aluminum is not permitted.
- Windows shall have clear glass. Reflective glass tinting is not permitted.
- Bars over windows (decorative or otherwise) are not permitted

Storm/Screen Windows

- Storm/screen windows must not substantially alter the appearance of the existing windows.
- When installed over existing windows, storm/screen window frames should be of the same material and have a similar color as the existing window frames.
- Additional storm/screen windows must match the type, material, frame width, and color of the existing storm/screen windows.

Submission Requirements

- Where new windows are proposed, elevation drawings, to scale, showing the existing townhome and the proposed location of the windows and relationship to neighboring townhome.
- Catalogue photographs or manufacturer's cut sheets identifying window type and style, including the specific "name" of the window, if applicable, and dimensions, materials and colors.
- A sample of the window frame finish and color, if applicable.

B. Questions & Updates

All Lot Owners or applicants should be aware that these Design Guidelines are subject to periodic review and modification in accordance with the Declaration. Modifications of these Design Guidelines are probable and should be expected as part of the natural evolution of the Association. Lot Owners or applicants are responsible for confirming they are using the most recent Design Guidelines. To obtain the most recent copy of these Design Guidelines, an Architectural Change Request, information, or other assistance, please contact:

**Whitehall Square Homeowners Association, Inc.
c/o Pleasants Development, Inc.
24012 Frederick Road
Clarksburg, MD 20871
(301) 428-0800 phone
(301) 428-1736 fax**

Suggestions for modifications or additions to these Design Guidelines can be submitted to the Board of Directors via the address listed above.

C. Terminology

The following definitions are used throughout these Guidelines. Specific interpretation of these may vary upon site conditions.

ACR

Architectural Change Request

Applicant

The person(s) making submitting an application to the Architectural Design Control Committee, though not always the Lot Owner (in the case of renters and other circumstances.)

ADCC

Architectural Design Control Committee

Artificial Stone and Pigmented Concrete Blocks

Architectural projects may be faced with artificial stone and pigmented concrete blocks. The pigment selected must be consistently used on the property and complement the color scheme of the existing structure(s) within the Property.

Asphalt

Architectural projects may not be faced with asphalt. An exception is allowed for asphalt surfaces where predominately vehicular traffic is contemplated.

Back Yard

The area bordered by the rear property line, the side property lines, and the line passing through, and parallel to, the rear facing foundation wall of the townhome that is furthest from the rear Lot line.

Beauty Side

In fence construction, the finished side of the fence.

Brick

Brick, either fired clay or pigmented concrete, may be used to face Architectural projects. Pigmented concrete bricks may be used for paving but are prohibited in wall construction. Where fired clay or pigmented concrete bricks are already present on the property, additions should match the existing brick in unit size, color and texture or otherwise appear complementary to the existing materials. Strongly contrasting colors or patterns of brick should be avoided. The painting or staining or brick is prohibited. (See 'Mortar' for further details).

Committee

Architectural Design Control Committee, a Committee composed of Whitehall Square volunteer homeowners and community residents appointed by the Whitehall Square Home Owners Association, Inc. Board of Directors.

Composites

Projects may be faced with plastic and wood 'composite' lumber. Coatings on composites other than those specifically recommended by the manufacturer of the composite material are prohibited.

Concrete and Concrete Block

Architectural projects may not be faced with poured concrete or concrete block (CMU). An exception is allowed for poured concrete in surfaces contemplated for vehicular or pedestrian traffic. The pigment and texture of finished concrete paving should be consistent with concrete paving that is proximate to the property. Architectural projects may only be faced in concrete block to the extent that the concrete block facing is below grade and not visible. The painting or staining of concrete surfaces is prohibited.

Covenant

Restriction, use, limitation, obligation, easement, equitable servitude, charge and lien dictated in the Whitehall Square Homeowners Association Declarations of Covenants and Restrictions.

Cut Sheet

Documentation which provides information about the referenced materials.

Dead-man

An anchor for a guy line, usually a beam, block or other heavy item buried in the ground, to which a line is attached.

Deck

A flat floored roofless area adjoining a townhome constructed of wood or similar man-made materials, excluding concrete, stone, clay or similar man made materials as its main construction material. May be elevated or at ground level.

Declarant Control Period

Declarant Control Period shall mean the period of time beginning on the date that the Declaration is recorded among the Land Records and ending on the earliest of: (a) the later of (1) the tenth anniversary of the date of recordation of the Declaration; or (2) the fifth anniversary of the date of recordation of the most recent Supplementary Declaration adding Annexable Property (provided, further, that if the Declarant is delayed in the improvement and development of the Property or the Annexable Property due to a sewer, water or building permit moratorium or other cause or event beyond the Declarant's control, then the aforesaid period shall be extended for the period of the delay or three years, whichever period of time is less); (b) the date Seventy-Five Percent (75%) of the Permitted Dwellings to be located on the Property and the Annexable Property are initially occupied or owned by Owners other than Declarant or a Participating Builder (the foregoing number may be increased or reduced in accordance with any amendments to the Development Plan affecting the number of Permitted Dwellings or if Exhibit "A" to the Declaration is amended to include land not originally included in said Exhibit "A" which would result in an increased number of Permitted Dwellings or as otherwise provided in Article II hereof of the Declaration); (c) the date specified by the Declarant in a written notice to the Association that the Declarant Control Period is to terminate on that date; or (d) the end of the Development Period. Declaration of Covenants, Conditions and Restrictions.

Easement

Portion of land within a private or public property allocated for use of another public or private party, e.g. utility easement, access easement.

Façade

The vertical surface of a townhome/structure set along the front Lot line.

Front Yard

The area bordered by the sidewalk, the side property lines, and the line passing through, and parallel to, the front facing foundation wall of the townhome that is furthest from the street.

Gravel

Gravel may not be used to face Architectural projects. An exception is allowed for a 50/50 mix of pea gravel and sharp builder's sand for bordered surfaces contemplated for predominately pedestrian traffic.

Guy line

A line that steadies a high piece or structure by pulling against an off-center load.

Hard Landscaping

Hard-landscaping includes all permanent outdoor alterations made in conjunction with soft landscaping projects. Hard landscaping includes, but is not limited to, landscaping ponds, retaining walls, rock gardens, sidewalks and pathways.

Improvements and/or Alterations

To install, erect, attach, apply, paste, hinge, screw, nail, build, alter, remove or construct any lighting, shades, screens, awnings, shutters, chimneys, mailboxes, patio covers, fences, walls, slabs, sidewalks, curbs, gutters, patios, balconies, porches, driveways, monuments, fountains, flag poles or to make any change or otherwise alter (including any alteration in color) in any manner whatsoever the exterior of any improvements constructed upon any Lot or upon any of the Common Areas, or to combine or otherwise join two or more Dwellings, or to partition the same after combination, or to remove or alter any windows or exterior doors of any Dwelling.

Lot

Shall mean and refer to all subdivided parcels of land which are located within the property subjected to Whitehall Square Homeowners Association, Inc. Declaration of Covenants (exclusive of the Common Areas) upon which a Dwelling may be constructed, including the Dwelling and any improvements thereon.

Lot Owners

Shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot situated on the Property, including contract sellers, but excluding those having such interest solely as security for the performance of an obligation, and not including any tenant or guest of an Owner occupying a Dwelling.

Lot Survey

Survey typically provided by the builder to the purchaser of a home which shows the Lot boundaries, easements, setbacks, and improvements.

Metal

Metals are prohibited for use in facing Architectural projects. An exception is permitted for flues, fixtures, fasteners, post caps, and other similar incidental products made of metal.

Mortar

In case the original builder had used pigmented mortar in the construction of the property, the existing pigment must be identified and used in new projects.

Natural Stone

Architectural projects may be faced with natural stone. Strongly contrasting colors or types of stone should be avoided. (See also 'Mortar' for further details)

Patio

A recreation area that adjoins a dwelling, is adapted especially to outdoor dining and entertaining, and is not covered by a structurally designed roof. Generally at ground level and constructed of concrete, stone, clay or similar natural or man-made materials, excluding wood or similar man-made materials as its main construction material.

Participating Builder

Shall mean a person or entity that acquires any portion of the Property from the Declarant for the purpose of building a residential Dwelling for sale or lease to others in the ordinary course of business to such person or entity.

Permanent Grill

A solid non-flammable structure such as brick, stone, slate, or concrete masonry having a specific fixed location, that encases a grilling apparatus, which renders the grill non-relocatable. This specifically excludes portable grilling devices (gas and/or charcoal operated), hibachis, smokers, and the like.

Pipe Stem Lot

A Lot that shares a common access with another adjacent Lot.

Porch

An elevated covered entrance to a dwelling with a separate or integrated structurally designed roof permanently attached to the main dwelling.

Property

Shall mean all real property that is annexed from time to time within the jurisdiction of the Whitehall Square Homeowner's Association, Inc. by the recordation of one or more Supplementary Declarations in accordance with this Declaration. The term "**Property**" includes all Lots, Common Areas and Community Facilities and improvements thereon.

Ridge Line

The uppermost profile of a roof structure.

Setback

Mandatory distance, as stipulated in the Zoning regulations, between a Lot boundary and a façade where no permanent structure could be erected.

Shielded from Street View

This criterion requires that any outdoor permanent or semi-permanent object or improvement be located behind fencing, soft landscaping or a portion of the townhome that protrudes and therefore obscures the item when viewed from the front street.

Side Plane

The imaginary vertical plane running along the longest portion of the side foundation wall on either side of the townhome.

Side Yard

The area(s) not included in the front yard or back yard.

Site plan

A plan which typically specifies horizontal location and vertical elevations of the existing and proposed improvements.

Soft Landscaping

Soft-landscaping includes, but is not limited to, trees, shrubs, flowers, plants, and fruit and vegetable gardens.

Stoop

A raised area in front of the main entrance of the townhome usually finished in concrete, stone, or brick.

Tie-Back

A rod fastened to a dead-man, a rigid foundation, or a rock or soil anchor to prevent lateral movement of formwork, sheet pile walls, retaining wall, bulkheads, etc.

Whitehall Square HOA

Whitehall Square Homeowners Association, Inc.

Vinyl

Projects may be faced with solid vinyl products or veneers on wood or metal. Coatings on vinyl other than those specifically recommended by the manufacturer, is prohibited. The pigmentation of vinyl materials should be complimentary to the existing color scheme of the existing structure.

Wood

Architectural projects may be faced with Ipe, Mahogany, Pau Lope, and similarly performing 'ironwoods'. Softwoods such as Cedar, Cypress, Redwood, Number 1 (grade) pressure treated Pine, and C-select pressure treated Pine may be used. Woods pressure treated with chromate copper arsenate (CCA) based compounds are prohibited on the surface of Architectural projects per current Federal Regulations. (See <http://www.epa.gov>) Number 2 (grade) pressure treated Pine may be used on non-visible framing, but the use of #1 (grade) is recommended. Softwoods must be coated with clear, semitransparent, or opaque wood stain. The use of latex or oil based paint is discouraged. In general, the use of wood in Architectural projects is discouraged for homeowners unwilling to make a higher level of commitment to maintenance.

IV. Exhibits

The following exhibits are hereby attached to and made a part of these Design Guidelines:

Exhibit "A" Architectural Change Request Form

Exhibit "B" Fence Guidelines

Exhibit "C" Selected Excerpts from the Telecommunications Act of 1996

A. Architectural Change Request Form

All Improvements require submission of a completed **Architectural Change Request (ACR)**, a copy of which is included on the following page. Additional copies may be obtained from the ADCC by contacting:

**Architectural Design Control Committee
Whitehall Square Homeowners Association, Inc.
c/o Pleasants Development, Inc.
24012 Frederick Road
Clarksburg, Maryland 21701
(301) 428-0800 phone (301) 428-1736 fax**

APPLICATION
Whitehall Square Homeowners Association, Inc.
Architectural Change Request
(Please complete pages 1 and 2 if printed on separate pages)

Resident's Name _____ Property Address _____
Owner's Name (if different than above) _____ Lot Number _____
Owner's Home Address (if different) _____
City, State, Zip _____ Email _____
Home Phone _____ Work Phone _____ Fax _____

DESCRIPTION OF PROPOSED EXTERIOR CHANGE OR ALTERATION.

Please describe in detail all proposed improvements, alterations or changes to your Lot or townhome. Please provide required details by attaching sketches, drawings, clippings, pictures, catalog illustrations, with the location of the modification marked including but not limited to, color(s), size(s), specifications, materials, location and any other pertinent information as indicated per the Guidelines and as may be needed by the Architectural Design Control Committee in order to make a decision. **Note: You must submit a copy of the plat/townhome location survey of your property with your request. Indicate on the plat/townhome location survey exactly where the improvement will be located.** You will be notified in writing of the decision of the Committee within sixty (60) days of receipt.

Type of Improvement/Modification: _____

Purpose of Improvement/Modification: _____

Description of Project: _____

Estimated Start Date: _____ **Projected Completion Date:** _____

Neighbors' Acknowledgements:

You are requested to obtain the signatures of both townhome owners who reside directly on each side of your townhome. Signature by your neighbors indicates an awareness of your proposed change and *does not* constitute approval or disapproval on their part.

Name: _____	Name: _____
Address: _____	Address: _____
Lot/Block: _____	Lot/Block: _____
Signature: _____	Signature: _____

Owners' Acknowledgements:

I/we understand and agree to all of the items below

1. That approval by the ADCC shall in no way be construed as to pass judgment on the correctness of the location, structural design, suitability of water flow or drainage, location of utilities, or other qualities of the proposed change being reviewed.
2. That approval by the ADCC does not relieve me of the responsibility of: (1) obtaining any and all necessary Building Permits & Variances, (2) observing and complying with all County and/or local building and zoning code and ordinance requirements and that (3) such ADCC approval shall in no way be construed as to pass judgment on whether the proposed change is in accordance with any or all applicable building and zoning codes of Montgomery County.

Architectural Change Request

- 3. That it is my responsibility and obligation to contact *Miss Utility* prior to construction and to construct the improvements in a workmanlike manner.
- 4. That approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the ADCC to disapprove the use of such plans and specifications, or any elements or features thereof, in the event such plans are subsequently submitted for use in any other application.
- 5. That no work on the proposed change shall begin until written approval of the application submitted herewith is approved in written by the ADCC, that I am responsible to advise any and all contractors I employ that work cannot commence until the ADCC approval is received and that I will provide the contractor a copy of the written approval of the ADCC. If any work is started on the proposed improvement on my Lot prior to my receipt of written approval, I will be subject to a fine in the minimum amount of \$100, which may be increased each day until the matter is resolved and approval is granted. Furthermore, I may be required to return to the property to it's former condition at my own expense if this application is disapproved wholly or in part; and I may be required to pay all legal expenses incurred.
- 6. That there shall be no deviations from the plans, specifications, and location approved by the ADCC without prior written consent of the ADCC; any variation from the original application must be resubmitted for approval.
- 7. That I authorize members of the ADCC to enter upon my Property to make one or more route inspection(s).
- 8. That construction or alterations with the approved plans and specifications must commence within six (6) months of the date this application is approved and be completed within six (6) months after commencement of work, otherwise, the approval by the ADCC shall be deemed conclusively to have lapsed and to have been withdrawn.
- 9. That I am responsible for any damage and all cost to repair community property that results from the proposed modification by either myself or my contractor(s).
- 10. The Board of Directors, ADCC, and Whitehall Square HOA are not responsible for safety, construction, operation, maintenance, accidents, injuries, or other claims that may arise from the proposed change to the Property

I/we understand that it is my responsibility to inform the contractor that I chose for this proposed improvement of these approval requirements for exterior modifications. I have or will instruct the contractor not to commence any work without seeing and signing off on the acknowledgment of the approval from the ADCC for the modification requested herein.

If I/we have not yet engaged a contractor for the proposed improvement, I hereby undertake to inform the contractor of the application and approval requirements for the exterior modifications and have the contractor understand and agree to the above before any work is begun.

Property Owner Signature: _____ Date: _____
(must be signed by Owner listed on Deed for above property)

Property Co-Owner Signature: _____ Date: _____
(must be signed by Co-Owner listed on Deed for above property)

PLEASE SUBMIT TO: **IKO Real Estate, Inc.**
c/o Whitehall Square Homeowners Association, Inc.
3416 Olandwood Court, Suite 210
Olney, Maryland 20832
Phone: 301-924-4050 Fax: 301-924-9389

COMMITTEE USE ONLY: Received: _____ Reviewed: _____ Tracking # _____

Your request for the above change, addition or improvement has been:

- _____ Approved as per the conditions on the attached letter and any accompanying documentation
- _____ Disapproved, see attached letter
- _____ Denied, no action taken as additional information is required per attached letter

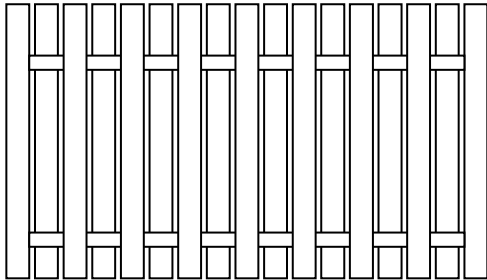
By: _____
IKO Real Estate, Inc., Management Agent for
Whitehall Square Homeowners' Association, Inc.

Date: _____

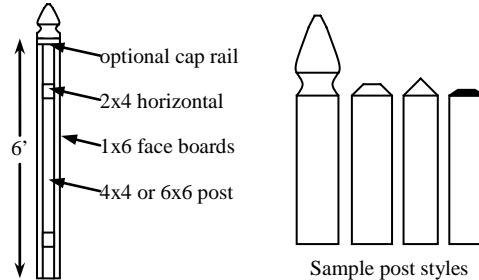
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B. Fence Guidelines - Townhomes

The following two diagrams depict the only acceptable fence styles for Townhome Lots. Other styles not shown here are generally **prohibited**. Fence and material dimensions, unless otherwise dictated by these Guidelines, are included for example only.

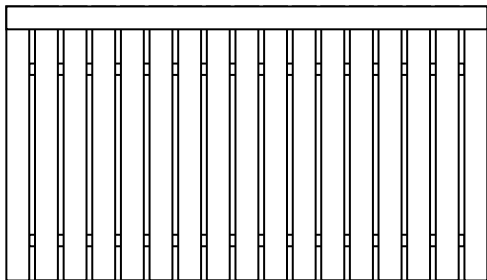


Shadow Box, Open Design
(Front/Rear View)

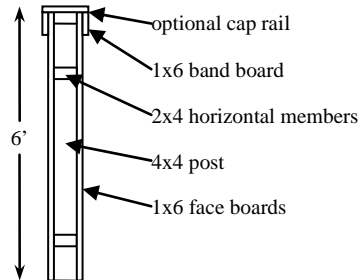


Shadow Box, Open Design
(Side View and Post Details)

The **Shadow Box, Open Design** is the recommended design for nhome Lots. This design consists of evenly spaced 4x4 or 6x6 posts with the shadow box style fencing in between. Fences must be six (6) feet in height. Exceptions to the height rule may be made to accommodate adjacent fences or to balance the visual impact of the fence with the grade of the land being fenced. Fence posts may be set even with the top of the fence or allowed to extend a maximum of eight (8) inches above the fence line. Posts that extend above the fence line should include an integrated decorative finial or be topped with a decorative cap.



Shadow Box, Closed Design
(Front/Rear View)

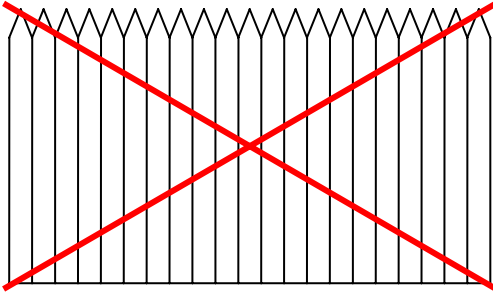


Shadow Box, Closed Design
(Side View)

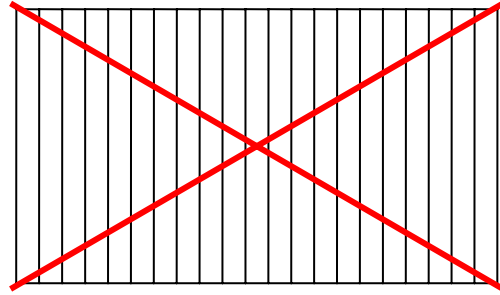
The Shadow Box, Closed Design is generally approved when pet safety is a concern. Like the Shadow Box, Open Design, this fence style consists of evenly spaced vertical boards on both sides of the fence. Spacing is generally held between one (1) and three (3) inches and remains constant along the entire length of the fence. Gaps on each side of the fence are staggered by 1/2 of the vertical board width. Posts are spaced as needed and are hidden from view by the vertical face boards. A 1x6 band board is required along the top edge of the fence. An optional cap rail may also be included.

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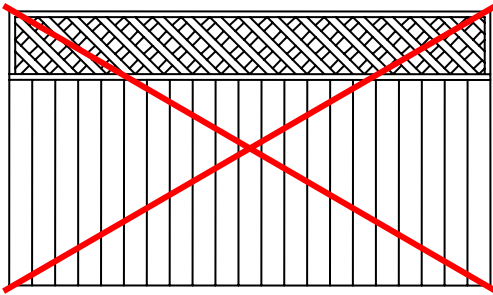
The following diagrams depict samples of prohibited fence styles.



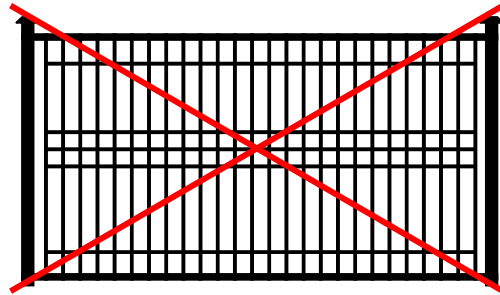
Solid Panel



Solid Panel Stockade



Lattice Topped Solid Panel



Metal or Ornamental Wire

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C. *Selected Excerpts from the Telecommunications Act of 1996*

The full text of the Telecommunications Act of 1996 (Pub. LA. No. 104-104, 110 Stat. 56 (1996)) can be obtained from the FCC at <http://www.fcc.gov>. The following excerpts pertain to the use of satellite dishes and television antennae.

Part 1 of Title 47 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Part I is revised to read as follows:

AUTHORITY: 47 U.S.C. 151, 154, 207, 303 and 309(j) unless otherwise noted.

2. A new Subpart S is added to Part 1 to read as follows:

1.4000. Restrictions impairing reception of Television Broadcast Signals, Direct Broadcast Satellite Services or Multichannel Multipoint Distribution Services

(a) Any restriction, including but not limited to any state or local law or regulation, including zoning, land-use, or building regulation, or any private covenant, homeowners' association rule or similar restriction on property within the exclusive use or control of the antenna user where the user has a direct or indirect ownership interest in the property, that impairs the installation, maintenance, or use of:

(1) an antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska; or

(2) an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or

(3) an antenna that is designed to receive television broadcast signals,

is prohibited, to the extent it so impairs, subject to paragraph (b). For purposes of this rule, a law, regulation or restriction impairs installation, maintenance or use of an antenna if it: (1) unreasonably delays or prevents installation, maintenance or use, (2) unreasonably increases the cost of installation, maintenance or use, or (3) precludes reception of an acceptable quality signal. No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any restriction or regulation prohibited by this rule except pursuant to paragraph (c) or (d). No fine or other penalties shall accrue against an antenna user while a proceeding is pending to determine the validity of any restriction.

(b) Any restriction otherwise prohibited by paragraph (a) is permitted if:

(1) it is necessary to accomplish a clearly defined safety objective that is either stated in the text, preamble or legislative history of the restriction or

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described as applying to that restriction in a document that is readily available to antenna users, and would be applied to the extent practicable in a non-discriminatory manner to other appurtenances, devices, or fixtures that are comparable in size, weight and appearance to these antennas and to which local regulation would normally apply; or

(2) it is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places, as set forth in the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470a, and imposes no greater restrictions on antennas covered by this rule than are imposed on the installation, maintenance or use of other modern appurtenances, devices or fixtures that are comparable in size, weight, and appearance to these antennas; and

(3) it is no more burdensome to affected antenna users than is necessary to achieve the objectives described above.

(c) Local governments or associations may apply to the Commission for a waiver of this rule under Section 1.3 of the Commission's rules, 47 C.F.R. 1.3. Waiver requests will be put on public notice. The Commission may grant a waiver upon a showing by the Lot Owner or applicant of local concerns of a highly specialized or unusual nature.

No petition for waiver shall be considered unless it specifies the restriction at issue. Waivers granted in accordance with this section shall not apply to restrictions amended or enacted after the waiver is granted. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.

(d) Parties may petition the Commission for a declaratory ruling under Section 1.2 of the Commission's rules, 47 C.F.R. 1.2, or a court of competent jurisdiction, to determine whether a particular restriction is permissible or prohibited under this rule. Petitions to the Commission will be put on public notice. Any responsive pleadings must be served on all parties and filed within 30 days after release of a public notice that such petition has been filed. Any replies must be filed within 15 days thereafter.

(e) In any Commission proceeding regarding the scope or interpretation of any provision of this section, the burden of demonstrating that a particular governmental or nongovernmental restriction complies with this section and does not impair the installation, maintenance or use of devices designed for over-the-air reception of video programming services shall be on the party that seeks to impose or maintain the restriction.

(f) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 1919 M St. N.W.; Washington, D.C. 20554. Copies of the petitions and related pleadings will be available for public inspection in the Cable Reference Room in Washington, D.C.

Copies will be available for purchase from the Commission's contract copy center, and Commission decisions will be available on the Internet.

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Part 25 of Title 47 of the Code of Federal Regulations is amended as follows:

Part 25 - Satellite Communications

1. The authority citation for Part 25 continues to read as follows:

AUTHORITY: Sections 25.101 to 25.601 issued under Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 101-104, 76 Stat. 416-427; 47 U.S.C. 701-744; 47 U.S.C. 554.

2. Section 25.104 is amended by revising paragraph (b)(1) and adding paragraph (f) as

follows:

25.104 Preemption of Local Zoning of Earth Stations

* * * * *

(b)(1) Any state or local zoning, land-use, building, or similar regulation that affects the installation, maintenance, or use of a satellite earth station antenna that is two meters or less in diameter and is located or proposed to be located in any area where commercial or industrial uses are generally permitted by non-federal land-use regulation shall be presumed unreasonable and is therefore preempted subject to paragraph (b)(2). No civil, criminal, administrative, or other legal action of any kind shall be taken to enforce any regulation covered by this presumption unless the promulgating authority has obtained a waiver from the Commission pursuant to paragraph (e), or a final declaration from the Commission or a court of competent jurisdiction that the presumption has been rebutted pursuant to subparagraph (b)(2).

* * * * *

(f) a satellite earth station antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter or is located in Alaska is covered by the regulations in 47 C.F.R. Part 1, Subpart S, Section 1.4000.