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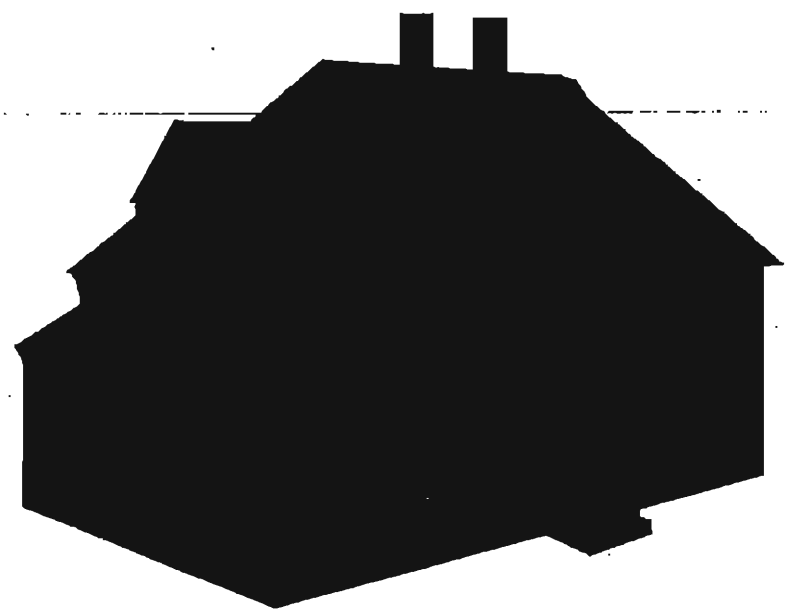


Lot 4/3  
12/7/03



LYONS CREEK OVERLOOK

# Architectural Rules and Standards



## 1. OVERVIEW

**BASIS FOR THIS DOCUMENT:** The Committee derives its charter, scope and rules from applicable articles, sections and paragraphs of the Lyons Creek Overlook Home Owners Association (LCHOA) Articles and Declaration of Protective Covenants.

**PURPOSE OF THIS DOCUMENT:** This document:

- A. Defines the architectural rules for new and existing homes in Lyons Creek Overlook.
- B. Amplifies applicable elements of the Lyons Creek Overlook Declaration of protective covenants.
- C. Outlines the Committee's roles and responsibilities.
- D. Guides members of the HOA, which includes builders, on "how to" initiate and get a project approved in Lyons Creek Overlook.

**BACKGROUND:** Our protective covenants bind the LCOHOA and its members. They assure members certain minimum standards for land use, architectural control and property maintenance through the LCOHOA. To this end, our Architectural Rules and Standards will be continuously revised and clarified over time to reflect actual design and construction experience, as well as resident requirements in support of our protective covenants. It may be possible to point to a specific feature, modification, or addition to an existing home or property and observe that it would not be approved under the rules contained herein. *However, from this date forward, a home or project will not be approved simply because the same or similar design, modification, or addition already exists in Lyons Creek Overlook. All current and future new construction, and modifications and additions to existing homes and properties shall comply with the Architectural Rules and Standards contained herein. Conversely, all previously approved construction, modifications, and additions are "grandfathered."*

**APPLICABILITY:** Each and every lot owner, upon acceptance of a deed for any lot in Lyons Creek Overlook, is subject to LCOHOA obligations and rules. However, when local laws, standards, codes or ordinances are more restrictive than our protective covenants and rules, then local directives shall prevail.

## 2. NEW HOME RULES

Plans for construction of new homes shall be submitted to the Committee for concurrence prior to commencement of construction. In addition, the Committee shall review subsequent modifications to approved plans that affect the exterior appearance of a new home. Documentation (e.g., blueprints, drawings, plat map, etc.) submitted shall provide sufficient detail to visualize accurately the exterior appearance, location and orientation of the proposed new home. New home construction shall comply with the following rules:

- A. Single level homes shall have a minimum 2,600 square feet of living space. Two story homes shall have a minimum of 3,200 square feet of living space. Living space is defined in a fashion consistent with that commonly used by the Maryland Real Estate industry.
- B. Each principal dwelling shall have an attached garage capable of housing a minimum of two automobiles.
- C. The forward portion of the principal dwelling must have an exposed brick or stone foundation. Additionally, if the principal dwelling is located on a corner lot where the sides of the foundation face a community street, then that portion of the foundation must also be of brick or stone. The foundation shall be continuous around the entire principal dwelling, unless otherwise approved by the Committee. Exposed portions of poured concrete foundations shall be painted to match or accent vinyl, brick or stone siding.
- D. Steps and sidewalks shall be concrete, brick or stone.
- E. Chimneys that exceed one story in height shall be masonry and faced with brick or stone. Direct vent fireplace kick-out, boxed areas shall have an "A" gable, shingled roof, (no shed roof styles) and shall have siding material consistent with that side of the home's exterior sheathing material.
- F. The dwelling's main roof pitch shall be a minimum of 6 x 12.
- G. The exterior of the principal dwelling shall be brick, stone, Dryvit, or vinyl siding. Hardboard, cedar or aluminum siding is not permitted. "Hardy Plank" style material may be submitted to the Committee for consideration, this material is supplied by various manufacturers and comes in different quality specifications.
- H. Lattice under//around front and side porches shall not be allowed. All area under front and side porches shall be brick or stone. White vinyl lattice shall be used under rear decks. All front and side porch rail & posts shall be white, vinyl coated, maintenance free material. No painted wood is allowed.

Builders constructing homes within Lyons Creek Overlook shall maintain their construction sites keeping in mind that the development is a premier residential community and not an industrial park. Builders shall provide portable toilets at construction sites. Receptacles are to be maintained at construction sites for the orderly disposal of debris, which shall be confined to the construction site and not allowed to spill over onto adjacent properties, even if unoccupied. Construction activity which creates noise audible on adjacent properties, is not permitted before 7:00 a.m. or after 9:00 p.m. Monday through Saturday, and no construction is permitted on Sundays.

### **3. PRINCIPAL DWELLING AND PROPERTY RULES**

The following modifications and/or additions to a principal dwelling and/or property requires the Committee's approval:

- A. Fences
- B. Swimming pools
- C. Sheds
- D. Decks and porches
- E. Solar Collectors

- F. Dog houses and/or dog runs and other pet enclosures
- G. Home additions or exterior modifications
- H. Gazebos
- I. Utility buildings
- J. Patios greater than 256 square feet
- K. Screening for recreational vehicles, boats, jet skis, and campers
- L. Landscaping which disturbs more than 1,000 square foot on any single lot
- M. Location of satellite dishes (irregardless of size) and antenna's

*(Note: Acquiring the appropriate building permits is the responsibility of the property owner and/or his/her representative.)*

The following rules augment those included in the Lyons Creek Overlook Declaration of Protective Covenants:

**FENCES:** Fences are not permitted forward of the back line of the principal dwelling unless approved by the Committee. Special exceptions include corner lots or where a lot is not necessarily square, or where it is not conducive due to the lay of the home's areaway. Only one fence is to be placed on, or near, any common property line, unless approved by the Committee. Chain link fences are not permitted. White, vinyl or plastic style fence material is preferred.

Wood fences shall be unfinished or sealed with a transparent stain in acceptable earth tone colors. The Committee must approve use of solid stain colors. White painted board or picket fences are acceptable. Homeowners living on corner lots petitioning to construct a fence higher than four (4) feet are required to accent the fence with landscaping approved by the Committee along the street side of the fence. Plans depicting the planned landscaping shall be submitted in conjunction with the fence application, and once approved by the Committee, shall be incorporated within one (1) year from the date of plan approval.

~~-----Stockade-style privacy fences are not permitted.-----~~

**SWIMMING POOLS:** In-ground swimming pools must be situated in the rear of the property. Above ground pools, other than inflatable children's pools, are not permitted. Spas (hot tubs) are permitted. A Committee approved fence must enclose in-ground swimming pools.

**SHEDS:** Sheds are permitted only in the back yard and may sit directly on the ground via pressure treated material, concrete block, or concrete foundation. Sheds visible from the street and/or adjacent property that are sitting on a level lot with more than one course of block shall include landscaping. Additionally, sheds visible from the street and/or adjacent property sitting on multiple levels of block and/or wood pilings to accommodate a slope require screening with lattice, as well as landscaping. Sheds less than 120 square feet (10' x 12') may sit within two feet of the property line. Sheds greater than 120 square feet may sit within five feet of the property line. The exterior color scheme shall match that of the principal dwelling,

this also includes the color of roof shingles. No metal or molded plastic sheds are permitted. Plans depicting the planned landscaping shall be submitted in conjunction with the shed application, and once approved by the Committee, shall be incorporated within one (1) year from the date of plan approval.

**DECKS and PORCHES:** Decks shall be constructed off the rear of the principal dwelling. This does not include steps leading to these structures. Decks shall be unfinished or sealed with a transparent stain in acceptable earth tone colors. The Committee must approve use of solid stain colors. If the underside of the deck/porch is used for storage, the deck must include white plastic lattice enclosing the deck from framework level to the ground. Porches shall be on the front and/or side of the principal dwelling and shall at a minimum be constructed of poured concrete with a faux brick pattern that is painted to match the exterior siding color. Brick or stone may be affixed to the exterior of the porch to upgrade the overall appearance. Items 2.H & 2.I shall also apply.

**SOLAR COLLECTORS:** Solar collectors shall not be placed on the front side (street side) of the principal dwelling. They should be placed to the rear or side of the home and not visible from the street. Large collectors on a sloping roof should be parallel with the roof. Smaller collectors may be laid on top of a sloping roof and finished to replicate a skylight. Ground mounted collectors may be located in the back yard and must be screened. Solar collectors should be constructed of glass with wood or metal framing painted to match the background color of the roof or house trim. Plexiglas framing is not acceptable as it will sag and yield an unsatisfactory appearance. All pipe work shall be aesthetically concealed.

**DOG HOUSES and/or DOG RUNS and OTHER PET ENCLOSURES:** Dog houses and/or dog runs and other pet enclosures are to be placed in the back yard only. They shall be located as close as possible to the rear of the principal dwelling and not extend beyond either side of the dwelling. The color of these structures shall match those of the principal dwelling. Black vinyl coated, 4' tall chain link fencing may be considered in defining the area of containment.

**HOME ADDITIONS or EXTERIOR MODIFICATIONS:** Exterior home additions that add living space to the home shall match the principal dwelling in appearance (i.e., roof, exterior walls, windows, doors and foundation material) and should look integral to the original dwelling (i.e., not tacked on). Exterior modifications shall meet the same requirements specified under "New Home Rules" unless otherwise approved by the Committee.

**PROPERTY MAINTENANCE:** Property owners in Lyons Creek Overlook are responsible for the upkeep and appearance of their principal dwelling and surrounding property so as not to detract from the overall ambiance of the neighborhood. The exterior of the principal dwelling shall be maintained free of peeling paint; damaged brick, stone or siding; faded or washed out stain or paint; missing roof shingles; etc. Landscaping and lawns are to be kept in a neat, trim condition. All principal dwellings shall include landscaping along the front side

of the dwelling. Additionally, dwellings located on corner lots require landscaping on all side(s) adjacent to community streets. New residents shall have one (1) year from their settlement date to incorporate landscaping. Yards must be kept free of debris and garbage; this applies not only to occupied property, but to unoccupied lots as well. Non-resident property owners are bound by these rules. Builders owning such lots are responsible for keeping them cleared of garbage, construction debris, etc.

#### MISCELLANEOUS RULES:

- A. Seasonal decorations shall not be put in place more than thirty (30) days before a holiday and shall be removed within thirty (30) days after the holiday.
- B. Children's recreational equipment shall be restricted to back yards. Swing and outdoor gym sets may be installed in back yards without approval. Non-standard items (e.g., skateboard ramps, tractor tires utilized as sandboxes, etc.) are not permitted. Basketball goals must be free standing, as opposed to the type mounted on the principal dwelling, and preferably positioned at the rear end of the driveway.
- C. Automobiles shall be kept in the principal dwelling garage and/or driveway, and not routinely parked on the street. Automobiles not licensed or inoperable shall be kept in the garage. Open-air maintenance and repair of automobiles is restricted to three (3) days. Repairs requiring additional time to complete shall be accomplished in the garage or off premises (external to Lyons Creek Overlook).
- D. Clothes poles/lines are not permitted. Temporary collapsible umbrella type clotheslines are allowed, but must be located behind the principal dwelling. When not in use, the device must be properly stored.
- E. Vegetable gardens are permitted if situated between the rear line of the principal dwelling and rear property line. The size of the garden may not exceed 1/4 of the rear area of the property.
- F. Mailboxes must sit on a 4"x 4" cedar or pressure treated post. The Committee must approve brick mailboxes; however, the LCOHOA assumes no liability for proposed ordinances banning such structures by Calvert County or the State of Maryland. One piece, vinyl mailboxes that slide over a 4" x 4" post may be submitted to the Committee for consideration.
- G. Propane tanks shall be buried, no above ground propane tanks are allowed.
- H. Gas Fireplaces shall be direct venting to the outside via horizontal or vertical vent flue's. Should a wood burning fireplace be installed it must be constructed with a full masonry brick chimney from grade to above the roof line.

#### 4. THE COMMITTEE AND ARCHITECTURAL CONTROL PROCESS

**THE COMMITTEE:** The President of the LCOHOA, with the approval of the Officers, shall appoint the Chairperson of the Architectural Committee at the annual meeting. The Committee Chairperson shall solicit and/or accept volunteers for membership, with the goal of having members from each phase of Lyons Creek Overlook. The Committee shall have a minimum of three (3), and no more than seven (7) members.

Until such time as the Officers of the Lyons Creek Overlook LLC. turn-over the HOA responsibilities to the Lyons Creek Overlook Homeowners they shall act in the capacity of the LCOHOA Architectural Review Committee. All correspondence and applications shall be sent to:

**Lyons Creek Overlook Architectural Review Committee**  
**C/O Marrick Properties, Inc.**  
**1350 West Ward Rd. Suite 401**  
**Dunkirk, MD 20754**

**ARCHITECTURAL CONTROL PROCESS:** Before construction begins on a new home or project related to an existing home and/or property, builders, members of the Corporation, and the Committee shall adhere to the following control process:

- A. Review the restrictions and rules contained in the applicable Lyons Creek Overlook Declaration of Protective Covenants and this document.
- B. Complete the "New Home/Project" application included as an attachment to this document.
- C. Deliver the completed application and all required attachments (e.g., blueprints, product brochures, drawings, material list, etc.) to the Committee Chairperson at his/her home address.
- D. The Committee shall:
  - Review the application within ten (10) working days of receipt, unless unusual circumstances warrant an extension.
  - Conduct a site survey, if required, to better visualize the impact and/or aesthetics of a proposed project.
  - Vote to approve/disapprove the proposed project via a simple majority of the current Committee members of record.
- E. Provide (via Committee Chairperson) the applicant with a written letter of approval or disapproval.
  - ~~If disapproved, the Committee Chairperson will include rationale and recommended changes.~~
  - In turn, the applicant may resubmit his/her "revised" application for reconsideration by the Committee.
- F. If, for any reason, the applicant wishes to appeal the Committee's decision, he/she may submit an appeal to the President of the LCOHOA, who will place the item on the agenda of the next regularly scheduled Board of Directors or general meeting, whichever is sooner.

*If any project mentioned herein is commenced without prior written approval from the Committee, the Committee, by way of the LCOHOA, has the right and responsibility to seek legal action against the property owner. All costs incurred are the responsibility of the property owner in question, and until resolved, a lien may be placed against the subject property.*



In witness whereof, Declarant has executed this instrument this 5th day of March, 2000. That the Architectural Rules and Standards are hereby adopted by the Corporation and shall have full force and effect immediately.

BY: CRBAUEY, JR.  
VP. OF MARRICK PROPERTIES, INC. MEMBER OF LLC

STATE OF MARYLAND, COUNTY OF CALVERT, TO WIT:

I HEREBY CERTIFY that on this 5th day of March, 2000, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared CRBAUEY, JR. VICE, President of Lyons Creek Overlook Homeowners' Association, Inc. and duly acknowledged the foregoing Architectural Rules and Standards to be the act of said Corporation.

AS WITNESS my hand and Notarial Seal.

Blenda Jensen  
Notary Public  
My Comm. Expires: 6/1/02