

COUNCIL OF UNIT OWNERS
Rock Creek Gardens Condominium
Silver Spring, Maryland
COMMUNITY RULES AND REGULATIONS

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3	Architectural Standards	07/13/2023	1	7
Bylaw Reference(s)		Maryland Condominium Act Reference(s)	Montgomery County Code References:	
Article XII		Sections 11-108.1,11-111(d),11-115	Chap 8 Sec 8-3 & 8-5 thru 8-7, 8-24&25	

3-1. PURPOSE

The [Council of Unit Owners](#) encourages periodic renovations, improvements, and upgrading of dwelling units in the interest of improving the overall quality of the community. However, the Council, through the [Board of Directors](#), also has an obligation under the [Bylaws](#) and state law ensure the structural soundness and integrity of all of the buildings and structures that comprise the community, and to ensure the upkeep of other parts of the general common elements. This rule establishes policies and procedures to assist the [Board of Directors](#) in carrying out those responsibilities.

3-2. DEFINITIONS

- a. **Unit** means a three-dimensional space identified as such in the Declaration and generally including the interior walls, doors, windows, ceilings, and all furniture, flooring (including the upper surface of the subfloor), carpeting, cabinetry, countertops, appliances, heat pumps, electric light fixtures, and plumbing fixtures. Units so configured also include skylights, fireplaces, flues, and chimneys,
- b. **General Common Elements** means those parts of the condominium infrastructure, as described and identified in the Declaration, that is shared by and benefits all of the community. Examples include building structures, cooling towers, boilers, stairwells, hallways, utilities, grounds, walkways, parking areas, and recreational facilities.
- c. **Limited Common Elements** means those parts of the condominium infrastructure, as described and identified in the Declaration, that are reserved for the use of, or otherwise benefit, one or more but less than all unit owners. Examples include balconies, patios, and storage areas.
- d. **Renovation** means any improvement or betterment done to the interior of a unit that does not require the removal or relocation of any vertical support or horizontal cross-member, or the removal, relocation, shortening, or extension of any duct, pipe, or drain located behind walls, above ceilings, or under floors.
- e. **Alteration** means any improvement that requires any change to the general common elements, such as removal or relocation of any vertical support, horizontal cross-member, floor or ceiling joist, or roof truss, or that necessitates any change to the configuration or location of any duct, pipe, or drain.
- f. **Emergency Repair** means any action that must be taken to mitigate any plumbing, electrical, or other infrastructure condition that poses an immediate threat to health and safety of residents, or to the integrity of any unit or units, regardless of day or hour.

3-3. POLICY

- a. Unit owners may renovate, redecorate, and generally improve owned units at their discretion and according to their individual preferences and desires, except as limited or prohibited elsewhere in this rule or in the Bylaws. Examples of renovations and improvements that may be made without prior approval include:
 - (1) Interior painting and installation or replacement of wallpaper.
 - (2) Removal of all or parts of existing interior walls that does not also involve the removal of any vertical or horizontal structural support member.

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<p>(3) Periodic replacement of appliances, including refrigerators, ranges, washers, dryers, dishwashers, garbage disposals, compactors, electrical fixtures, and the like.</p> <p>(4) Installation of cabinets, vanities, countertops, and sinks.</p> <p>(5) Repair or replacement of flooring (including subfloors) and carpeting</p> <p>(6) Repair and replacement of interior plumbing fixtures, to include faucets, showerheads, shutoff valves, and diverters,</p> <p>(7) Replacement of heat pumps, provided that the replacement heat pump is compatible with the existing space reserved for heat pumps within each unit. Heat pumps that include components designed to operate outside are prohibited and may not be installed anywhere on the general or limited common elements. Heating, ventilation, and air conditioning (HVAC) contractors can assist in identifying suitable units.</p> <p>b. Owners of units with attached or installed limited common elements may perform preventive maintenance and routine repairs, and make cosmetic improvements without prior approval, except as noted in Paragraph 3-4a. Examples include refinishing of balcony or patio decks, repainting of balcony or patio rails, refinishing of chimneys, and replacement of wooden deck planks.</p> <p>c. Replacement or renovation of exterior limited common elements, such as patios and balconies, by a unit owner requires prior approval of the Board of Directors. Replacements must be substantially identical to similar existing limited common elements in style, color, and general appearance.</p> <p>d. The following types of interior alterations require submission of the attached Architectural Change Application and prior architectural review and approval:</p> <ol style="list-style-type: none"> (1) Alterations that involve removal of any structural framing, to include all or parts of any vertical studs, horizontal cross-beams, floor or ceiling joists, or roof trusses, as explained in Paragraph 3-4a. (2) Alterations that involve any change in the configuration of any existing ductwork. (3) Installation of an additional bathroom or alterations to an existing bathroom that involves the removal of a bathtub or any change in the configuration of any existing pipe or drain. (4) Removal or replacement of any structural support to any patio or balcony. (5) Installation of any kitchen, bathroom or laundry venting system that exhausts to the outside, as explained in Paragraph 3-4b. (6) Replacement or improvement of windows, as explained in Paragraph 3-4c. (7) Any other activity that affects or may adversely affect any part of the general common elements, or any adjacent or adjoining unit. <p>e. No unit may be subdivided or partitioned in any manner.</p> <p>f. No change may be made to the exterior appearance of any building nor may changes described in Paragraph 3-3c be made to any unit without prior architectural review and written approval of the Board of Directors. Any such unauthorized change will incur a fine of \$250 per violation and \$500 per month for any continuing or new violation. Violators are also potentially liable for civil and/or criminal penalties provided for in state law and/or county code.</p>			

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<p>g. Unit owners or tenants may not alter or change any landscaping or use any part of the general common elements to plant or cultivate flowers or any type of vegetation, without prior approval of the Board of Directors, as explained in Paragraph 3-4d.</p> <p>h. The Board of Directors may consider architectural change applications directly or establish a standing Architectural Standards Committee to evaluate proposals and make appropriate recommendations. To the extent possible, the Board will consider each application at its next scheduled meeting after the application is filed with the on-site office.</p> <p>i. If the Board of Directors or Architectural Standards Committee fails to act on any architectural change application within 60 days of submission, the application will be considered to have been approved and the provisions of this rule and Article XII of the Bylaws will be deemed to have been fully complied with.</p> <p>j. Architectural change applications will not be accepted from owners of units of installments of the assessment for common expenses is delinquent by more than 60 days or against which a lien for unpaid installments has been placed, as described in Rule 2.</p> <p>k. The Board of Directors, through its agents and employees, reserves the right to inspect any work in progress.</p> <p>l. To enhance the appearance of the community, the exterior-facing side of all window shades, curtains, blinds, drapes, or drapery liners must be white or off-white in color. Interior shutters, bamboo shades, and similar coverings may be white, off-white, or natural wood in color. Following written notification of a violation from the Board of Directors and a request to comply with this provision, violations will incur a fine of \$25 per month for each non-compliant window covering.</p> <p>m. The installation or use of any form of window-mounted air conditioning unit or fan is expressly prohibited. Following written notification of a violation from the Board of Directors and a request to comply with this provision, violations will incur a fine of \$25 per month.</p> <p>n. Installation or operation of personally owned or leased electrical power generators is prohibited anywhere on the general common elements or within any unit.</p> <p>o. Except for bona fide emergency repairs, any renovation, remodeling, repair, or alteration that, by its nature, creates unreasonable noise or involves the use of noise-generating machinery may not begin before 8 a.m. or continue after 6 p.m., or take place anytime on Saturdays, Sundays, or legal holidays. Work must be completed in a way that does not unreasonably interfere with the operation and maintenance of the general common elements or constitute a nuisance to adjacent or adjoining units, or the neighborhood. See also Rule 13.</p> <p>p. Unit owners and their contractors are responsible for ensuring that demolition and construction debris is not deposited in the community trash collection areas, as explained in Rule 10. A statement to this effect will be included in each Architectural Change Application approval.</p>			
<p>3-4. PROCEDURES</p>			
<p>a. <u>Renovations and Alterations.</u></p> <p>(1) Renovations or alterations for which prior approval is required, as explained in Paragraph 3-3 above, require prior submission of an Architectural Change Application (copy attached). Applications should be completed consistent with the following guidance:</p>			

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<p>(a) Applications must include sufficient detail to enable the Board of Directors to make informed decisions. The Nature of Requested Changes section must provide full details of the proposed work, to include dimensions and measurements, types of materials to be used, and the location(s) within the unit where work is to be performed. Descriptions may be continued on blank sheets of paper if the space provided on the application form is not sufficient.</p> <p>(b) Sketches, drawings, photographs, or artist's renderings may be attached to the applications to the extent that they help explain or provide context for the work to be performed.</p> <p>(c) Applications that propose the partial or complete removal of any existing wall that, in turn, necessitates removal of all or any part of any vertical or horizontal support member(s) must be accompanied by a certification from a professional engineer that the support member(s) to be removed are not load-bearing and that the integrity of the building structure will not otherwise be compromised. Any recommendations included on the certification must be included in the scope of work as a condition of approval. The on-site office can provide contact information for qualified professional engineers.</p> <p>(2) Repairs or improvements to any limited common element that involves any change to existing exterior colors require submission of an Architectural Change Application and prior architectural review and approval.</p> <p>(3) Work on any project for which an application has been submitted may not begin until written approval has been received by the unit owner. Submitting an Architectural Change Application for review does not constitute approval. Violations will incur a fine of \$250 per unauthorized alteration. Each subsequent violation will incur a fine of \$500, and any continuing violation will incur a fine of \$500 per month.</p> <p>(4) Work that involves any change to the electrical or plumbing infrastructure of any unit must be performed by properly licensed and insured contractors and conform to all applicable state laws and/or county codes. In this connection, unit owners are responsible for obtaining any necessary building permits in advance, either directly or through their contractors.</p> <p>(5) A certificate of insurance from each licensed contractor naming "Rock Creek Gardens Condominium" as an additional insured must accompany each application. In addition, each contractor must agree in advance that any liens placed to recover unpaid invoices will be filed against the unit owner personally and not the Council of Unit Owners or management agent.</p> <p>b. <u>Venting Systems.</u></p> <p>(1) Any proposed installation of a bathroom and/or laundry venting system that exhausts to the outside requires prior submission of an Architectural Change Application.</p> <p>(2) Applications must include sufficient detail to enable the Board of Directors to make informed decisions. The Nature of Requested Changes section must provide full details of the proposed venting system, to include a description of the length(s) and locations(s) of exhaust conduits and the size, color, type of material, and location(s) of each outlet. Descriptions may be continued on blank sheets of paper if the space provided on the application form is not sufficient.</p> <p>(3) Each application must also include the following supplemental information, which must be attached to the application:</p> <p>(a) <i>Exhibit A:</i> Photographs, drawings, sketches, or artist's renderings of each exterior vent outlet that shows:</p>			

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- Dimensions
- Exact location
- Height above ground level
- Constant level site line to ensure uniformity in placement

(b) *Exhibit B*: For proposed venting systems that will pass through pitched roofs – Photographs, sketches, or drawings, and written specifications that identify materials and processes to be used to ensure the integrity of the roof structure and preserve existing warranties.

(4) Applications for venting systems must be consistent with the following specifications. Examples are shown in the accompanying photos:

- (a) Proposed bathroom or laundry venting systems must exhaust only to the rear or sides of buildings. Applications for venting systems that exhaust to the front of any building will not be approved.
- (b) Kitchen vents are not allowed because of the potential fire hazard resulting from accumulated cooking residues.
- (c) Placement of exterior vents must be horizontally and vertically level with other existing vents, adjacent windows, and the building itself.
- (d) The dimensions of exterior vent covers must be six inches on all sides and each vent match the color of the building exterior. Unit owners considering venting systems are encouraged to coordinate with the on-site office in advance to review examples of acceptable systems.



- (5) Bricks removed incident to any venting system installation must be delivered to the on-site office and may not be retained or otherwise disposed of by the unit owner or contractor.
- (6) Before submitting any Architectural Change Application for a laundry venting system, unit owners are encouraged to investigate the feasibility of installing a ventless dryer as an alternative to a laundry venting system.
- (7) All venting system installations must be performed by a fully licensed and insured contractor and be fully compliant with all applicable fire and building codes. Contractors and subcontractors must also agree in writing and in advance that any liens placed for unpaid invoices will be filed against the unit owner and not the Council of Unit Owners or management agent.

c. Windows and Doors.

- (1) Windows are designated in the [Declaration](#) as part of each unit and therefore may be repaired or replaced at the discretion of each unit owner at personal expense.
- (2) Unit owners are encouraged to replace the original wood construction single-pane windows with contemporary vinyl and/or aluminum construction double- or triple-pane insulated windows for ease of maintenance and to promote energy efficiency.
- (3) Replacement windows must be substantially identical in color and style with all other windows installed in the community. In this connection—
 - (a) Windows must be of double-hung design with separate upper and lower sections that can be opened or closed independently.
 - (b) Each section must be subdivided into either six or eight subsections, depending on the style used in the building where the new windows are to be installed, using divider inserts mounted between the glass panes. (See examples below.) In general, window sections installed in three-story buildings consist of two rows of four subsections each while those installed on two-story buildings consist of two rows of three subsections each.



- (c) The exterior-facing portion of the window assembly, including the inserts, must be white in color.
- (d) Window glass must not contain a color tint.
- (e) Exterior framing that surrounds and supports the exterior window assembly must be of the standard color used on window frames for the rest of the building, as shown in the following chart. Standard Sherwin-Williams colors and tint numbers for Rock Creek Gardens building exteriors are:

Building(s)	Color	Color Code
2200 Washington Ave.	Rare Gray	SW6199
2224 & 2248 Washington Ave. 8201 Grubb Rd.	Universal Khaki	SW6150
2240 Washington Ave.	Mega Greige	SW7031
8201 Grubb Rd.	Universal Khaki	SW 6150
All others	Relaxed Khaki	SW6149

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<p>(4) The interior-facing side of the replacement window assembly, including inserts, may be of any color or finish selected by the unit owner.</p> <p>(5) Unit owners desiring to replace existing windows must file an Architectural Change Application with the on-site office. The description of work provided on the application must state the number of windows to be replaced and state that the design will conform to the specifications listed above.</p> <p>(6) Installation of replacement windows must be performed by a properly licensed contractor. A certificate of insurance from each licensed contractor to be used naming “Rock Creek Gardens Condominium” as an additional insured must also accompany each application. In addition, each contractor must agree in advance that any liens placed to recover unpaid invoices will be filed against the unit owner personally and not the Council of Unit Owners or management agent.</p> <p>(7) Although unit entry doors are part of each unit, the color of the exterior-facing side is determined by the Board of Directors and may not be changed. Repainting of exterior-facing sides that may be required as a result of damage must be accomplished by the on-site maintenance technician. Costs incurred may be billed to the unit owner, as determined by the Board of Directors.</p> <p>(8) Unit owners may paint or decorate the interior-facing side at personal expense as they desire and at their discretion.</p> <p>(9) Existing mechanical door locks may not be replaced with any type of electronic locking system without prior approval of the Board of Directors, which reserves the right to prescribe specific types and/or designs.</p> <p>(10) Architectural change applications involving replacement of unit entry doors will not normally be approved unless the existing door has been damaged to the point of being manifestly unsecure or unserviceable.</p> <p>d. <u>Landscaping.</u></p> <p>(1) The Council of Unit Owners, through the management agent, will arrange for contractual landscaping services to establish and maintain exterior landscaping of the general common elements in order to facilitate drainage and enhance the exterior appearance of the community.</p> <p>(2) The overall landscaping program, and any modifications or changes thereto, will be approved by the Board of Directors either directly or through the Architectural Standards Committee, or a standing Landscaping Committee established for this purpose. Potted or hanging plants, however, may be emplaced on attached balconies or patios without limitation.</p> <p>(3) Unit owners or tenants may not alter or change any landscaping, or use any part of the general common elements to plant or cultivate flowers or any type of vegetation, without prior review by the Landscaping Committee and approval of the Board of Directors. Each violation is subject to a \$100 fine. Subsequent violations by the same resident are subject to a \$200 fine. Continuing violations are subject to a fine of \$100 per month.</p>			

**COUNCIL OF UNIT OWNERS
Rock Creek Gardens Condominium
Architectural Change Application**

Instructions: An Architectural Change Application must be filed with the on-site office by any unit owner who desires to make any alteration listed in Rule 3 that affects or could affect, any part of the general common elements. Applications that are not fully completed or that lack any required attachments, such as architectural plans, sketches, drawings, photos, and engineer's certifications will not be accepted. Completed applications will be referred to the Board of Directors, which will review the proposal and accept, modify, or reject the application. Please note that work may not begin on any project until this application is approved by the Board of Directors.

Unit Owner's Information

Name:	Current Mailing Address:	Electronic Mail Address:
Address and Unit Number where work is to be performed (if different):		Telephone Number(s):

**Nature of Requested Change(s)
(check all that apply)**

<input type="checkbox"/> Structural change	<input type="checkbox"/> Pipe or drain relocation	<input type="checkbox"/> Tub replacement	<input type="checkbox"/> New or additional bath
<input type="checkbox"/> Venting System	<input type="checkbox"/> Window Replacement	<input type="checkbox"/> Landscaping	<input type="checkbox"/> Other (specify)

Description of Work to be Performed

Describe work to be performed in sufficient detail to allow the Board of Directors to make informed decisions. This includes numbers and locations of structural support members to be removed, locations of pipes and drains to be relocated, numbers and types of windows to be replaced, types and locations of venting system exhaust hoses and exterior outlets. Attach plans, sketches, and photos as may be appropriate. Use other side or additional sheets of blank paper as necessary to provide a complete description.

Is this a do-it-yourself project? <input type="checkbox"/> Yes <input type="checkbox"/> No	Name and address of contractor, if no:	License No.
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Unit Owner's Certification

I certify that I have read and understand the Rock Creek Gardens architectural standards rule and will not allow work to begin until approved by the Board of Directors.	Signature:	Date
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Office Use Only

Date Accepted:	Hearing Date:	Unit Owner Notified of Hearing Date on:
Board Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Modifications (details provided separately) <input type="checkbox"/> Disapproved		Unit Owner Notified of Decision on: