

Areas, including, without limitation, the design, construction, installation or repair of the Common Areas, or any of same. The provisions of this Article III, Section 3(c)(xii) shall not be amended without the prior written consent of the Declarant..

→ Section 4. The Architectural Review Board.

(a) Composition. Until the Declarant's Class B membership rights cease, the Architectural Review Board shall be composed of three (3) members appointed by the Declarant. When the Declarant's Class B membership rights cease, the Architectural Review Board shall consist of three (3) or more Owners who shall be appointed by the Board of Directors as provided in the Bylaws. The affirmative vote of a majority of the members of the Architectural Review Board shall be required in order to adopt or promulgate any rule or regulation, or to make any finding, determination, ruling or order, or to issue any permit, consent, authorization or approval pursuant to the authority set forth in this Article III, Section 4.

(b) Powers and Duties. The Architectural Review Board shall recommend to the Board of Directors the adoption of Rules to regulate the external design, appearance, and location of improvements located on the Property in such a manner so as to (i) preserve and enhance values of the Property, (ii) avoid activities deleterious to the aesthetic or property values of the Property, (iii) maintain a harmonious relationship among the structures and the natural vegetation and topography, (iv) promote the general welfare and safety of the Owners, the Occupants and their households, guests, employees, agents and invitees, (v) comply with the Master Park Potomac Governing Documents, (vi) comply with the Park Potomac Architectural Guidelines and (vii) comply with the Regulatory Plans. Except for construction or development by, for or under contract with the Declarant, and except for any improvements to any Lot or to the Common Areas accomplished by the Declarant concurrently with said construction and development, and except for purposes of proper Maintenance and repair, no building, fence, wall, deck, windows, storm doors, window and door security bars or other improvements or structures shall be commenced, directed, placed, moved, altered or maintained upon the Property, nor shall any exterior addition to or change (including, without limitation, any exterior signs and/or any change of color on any exterior portion of a Living Unit) or other alteration thereupon be made, nor shall any alteration of any portion of a Living Unit, which alteration of the Living Unit shall be visible from the exterior of the Living Unit, be made, nor shall any landscaping or hardscape, including, without limitation, hot tubs, fountains, statuary, planters, plantings or shrubbery, be placed on any rooftop, rooftop terrace, deck or patio [other than planters, plantings and shrubbery on fenced-in patios (but not on rooftop terraces) which planters, plantings and shrubbery are not visible from the public or private streets or alleyways or from Common Areas adjacent to the Lot, or from outside of the fenced-in area], until the complete plans and specifications showing the location, nature, shape, height, material, color, type of construction, or the type and size of planters, plantings and shrubbery, and any other proposed form of change (including, without limitation, any other information specified by the Architectural Review Board) shall have been submitted to and approved in writing as to safety, harmony of external design, color and location in relation to surrounding structures and topography and conformity with the design concept for the community and with the Park Potomac Architectural Guidelines, by the Architectural Review Board. To the extent that any proposed improvements or alterations shall require the approval of any Governmental Authority, the Owner shall submit an application to the Governmental Authority simultaneously with

submitting same to the Architectural Review Board. The Owner shall be solely responsible for processing such application with the Governmental Authority at the sole cost and expense of the Owner. The Owner shall provide the Architectural Review Board with copies of all correspondence with any Governmental Authority relating to the Owner's application, and shall provide the Architectural Review Board with a copy of any decision made by any Governmental Authority with respect to the Owner's application.

In furtherance of its purposes, the Architectural Review Board shall:

- (i) Review and approve, modify, or disapprove written applications of Owners and of the Association, for improvements or additions to Lots, Living Units, or Common Areas. Notice of any disapprovals of applications shall be by Registered Notice. Approvals shall be sent by regular first-class mail. A copy of the plans and specifications, as approved by the Architectural Review Board, shall be deposited among the permanent records of such Architectural Review Board. The Architectural Review Board shall have the absolute right to disapprove any application for improvements or additions to Lots, Living Units or Common Areas, notwithstanding any approvals of any Owner's application by any Governmental Authority for such improvements, alterations or additions.
  - (ii) Review a copy of the Owner's application submitted to any Governmental Authority for improvements or alterations, and provide information as may be requested by any Governmental Authority in connection with the Owner's application submitted to any Governmental Authority, and review the decisions of the Governmental Authority with respect to the Owner's application.
  - (iii) Monitor Lots and Living Units for compliance with the architectural standards and plans for alterations approved in accordance with this Declaration.
  - (iv) Recommend to the Board of Directors for consideration and adoption architectural standards, which may include standards for interior and exterior window treatments for Living Units, to the extent that such window treatments will be visible from the exterior of the Living Unit, storm doors, window and door security bars, and other items which will be visible from the exterior of the Living Unit. Such standards shall be in addition to, but may not violate or be inconsistent with, the Park Potomac Architectural Guidelines.
  - (v) Adopt procedures for the exercise of its duties and enter them in the Rules.
- (c) Failure to Act. In the event that the Architectural Review Board fails to approve, modify, or disapprove, in writing, a correctly filed application within sixty (60) days after the plans and specifications (and all other materials and information required by the Architectural Review Board) have been submitted to it in writing, and provided that the request set forth in such application does not violate any provision of this Declaration, the Regulatory Plans, the Master Park Potomac Governing Documents, or the Park Potomac Architectural Guidelines, then approval by the Architectural Review Board will be deemed granted, subject, however, to approval of such proposed improvements or alterations by any Governmental Authority who must approve the proposed work, if any such approval is required. Notification

of total or partial disapproval shall include the reasons for such disapproval. Failure of the Architectural Review Board or the Board of Directors to enforce the architectural standards or to notify an Owner of noncompliance with architectural standards or approved plans for any period of time shall not constitute a waiver by the Architectural Review Board or the Board of Directors of the enforcement of this Declaration or the architectural standards adopted by the Board of Directors at any later date.

(d) Appeal. An applicant may appeal an adverse decision of the Architectural Review Board, within thirty (30) days after such adverse decision is rendered, to the Board of Directors, which may reverse or modify such decision, but in no event shall the Architectural Review Board or the Board of Directors be required to reconsider an adverse decision where the proposal violates the Master Park Potomac Governing Documents, the Regulatory Plans, the Park Potomac Architectural Guidelines, applicable zoning ordinances or approvals or architectural standards relating to the Property or where the proposal has been disapproved by any Governmental Authority. The Board of Directors is hereby authorized and empowered to promulgate reasonable rules of procedures for the conduct of such appeals.

(e) Limitations. Construction or alterations in accordance with plans and specifications approved by the Architectural Review Board pursuant to the provisions of this Article III, Section 4 shall be commenced within sixty (60) days following the date upon which the same are approved by the Architectural Review Board (whether by affirmative action or by forbearance from action, as in paragraph (c) of this Section 4 provided), and shall be substantially completed within six (6) months following the date of commencement, or within such other reasonable period as the Architectural Review Board shall specify in its approval. In the event construction is not commenced within the period aforesaid, then approval of the plans and specifications by the Architectural Review Board shall be conclusively deemed to have lapsed and compliance with the provisions of this Section 4 shall again be required. There shall be no deviation from the plans and specifications approved by the Architectural Review Board without the prior written consent of the Architectural Review Board. Approval of any particular plans and specifications or design shall not be construed as a waiver of the right of the Architectural Review Board to disapprove such plans and specifications, or any elements or features thereof, in the event such plans and specifications are subsequently submitted for use in any other instance.

(f) Approvals. Design approval by the Architectural Review Board or by the Board of Directors 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. The Board of Directors or the Architectural Review Board shall have the right to charge a reasonable fee for reviewing an application. In addition, the Owner shall pay the cost of any architect or engineer engaged by the Architectural Review Board to review the proposed plans. The Owner shall be solely responsible for all costs relating to obtaining the necessary approvals from all appropriate Governmental Authorities, and all plans and permits required for the proposed improvements or alterations, and in no event shall the approval by the Architectural Review Board or by the Board of Directors be substituted in lieu of applicable governmental approvals and permits or be deemed to constitute a determination as to compliance with local zoning ordinances, governmental guidelines or restrictions.