

GUIDELINES FOR REVIEWING ARCHITECTURAL CHANGE REQUESTS FOR LAWN ORNAMENTS

Overview

This document presents guidelines that shall be used by the Annapolis Preserve Architectural Control Committee, under the management purview of the Board of Directors, to evaluate homeowner written requests to install or erect lawn ornaments on their respective property. Such written requests must be submitted in accordance with current architectural change request procedures and associated forms. The *Declaration of Conditions and Restrictions for Annapolis Preserve Community Association, Inc.* under Article 7, Use Restrictions, Section 7.3, Prohibited Uses and Nuisances, provides for exceptions "...with prior written approval of the Board of Directors of the Association..." to the prohibition of "decorative lawn ornament[s]" as stated in Section 7.3, paragraph (h). These guidelines provide the criteria and basis for granting an exception to the prohibition of lawn ornaments as stated in paragraph (h).

Definition

Lawn ornaments are defined (for purposes of these guidelines) as "objects of art or decoration," and are deemed as such by subjective judgment. Further, they are distinct from landscape constructs, such as fences, ponds, stone walls, faux rock streams, and natural boulders used conspicuously in landscaping. Lawn ornaments are removable property decorations, are not landscaping per se, and do not occur in nature. Lawn ornaments do not include holiday decorations, which are placed temporarily in view on property to celebrate the period associated with a specific holiday. Lawn is synonymous and is interchangeable with yard, and is used to describe the area at the front, rear, or side of a dwelling or homeowner's lot regardless of ground cover (i.e., grass, other vegetation, or mulch). Lawn ornaments are not restricted to being either freestanding on a lawn or yard or suspended from a tree or shrub, as lawn ornaments can be attached or affixed to a dwelling/house or shed.

Evaluation Criteria

Lawn ornaments are permissible subject to evaluation and approval by the Architectural Control Committee with the concurrence of the Board of Directors using the following eight criteria:

1. Footprint
 - Height: maximum 6 feet
 - Length: maximum 3 feet
 - Width: maximum 3 feet
 - If suspended, then total height cannot be more than 6 feet from ground and must adhere to the aforementioned length and width requirements.
2. Theme
 - Religious, religious-related, or celebratory ornaments, such as statues, can only be in rear yards and must be hidden from view at all times from neighbors or the street.
 - Signs or lettered ornaments are allowed in rear yards only and must be hidden from view at all times from neighbors or the street.
 - Bird homes are allowed in rear yards only subject to the number restrictions and pole-mounted restrictions contained in items 7 and 8 below.
 - Bird feeders suspended from trees are permitted in front, side, and rear yards, subject to the number restriction contained in item 7 below.
 - Water fountains/displays are allowed in rear yards only subject to dimension and location restrictions contained in items 1 and 3.
 - Sexually explicit or suggestive ornaments are prohibited.
3. Location
 - No ornament shall obscure the line of sight or rights to the sun (that is, shall not obscure the view from a window of an adjacent home), or create a situation that endangers the safe flow of traffic.
 - Certain ornamental themes must adhere to location restrictions contained in items 7 and 8 below.
4. Color
 - Colors used must be consistent with the muted natural or earth tones existing in the community as established by the original builder (i.e., Toll Brothers, Inc.).
5. Material and Maintenance
 - Stone, wood, metal, and durable composites, and other materials are acceptable provided they can be maintained in good condition; materials that degrade, dissolve, or corrode easily and cannot be maintained (e.g., painted) to achieve an “as new” or almost “as new” condition are not acceptable.

6. Lighting

- Ornaments cannot be accentuated with spot-type lights, but may be highlighted using muted or shadow lighting techniques with low level intensity landscape lighting.
- Ornaments cannot contain lighting as a feature or have as lighting a component of the decoration.

7. Number

- Ornaments may be grouped or co-mingled provided that there are no more than three in a single grouping.
- No more than three ornaments are permitted on the front, side, or rear yard of a dwelling.
- Two flags are permitted on front, side, and rear yards.
- Pole-mounted bird houses or suspended from trees may be grouped or co-mingled provided that there are no more than three in a single grouping; they may be located in rear yards only.
- Pole-mounted bird feeders may be grouped or co-mingled provided that there are no more than three in a single grouping, and are permitted on the rear yard only
- Bird feeders suspended from trees may be grouped or co-mingled provided that there are no more than three in a single grouping, and are permitted on front, side, and rear yard of a dwelling

8. Pole-Mounted Flags, Bird Houses, and Bird Feeders

- Flags, bird houses, and bird feeders of any type are a lawn ornament
- Flags mounted on a house/dwelling or free standing on a pole placed on a lawn are allowed.
- Poles used to mount flags, bird houses, and bird feeders must be sturdy (i.e., not flex or bend) and cannot exceed 12 feet in height.
- Flags must not exceed 18 square feet in dimension (i.e., a maximum of 6 feet in length by 3 feet in width).
- Flags, bird houses, and bird feeders must adhere to the aforementioned theme, location, and lighting criteria
- Flag, bird house, and bird feeder poles are considered lawn ornaments and must adhere to the material and maintenance criteria contained in item 5.
- Bird homes mounted on poles can be erected in rear yards only, and must adhere to number restrictions in contained in item 7.
- Bird feeders mounted on poles can be erected in rear yards only, and must adhere to number restrictions in contained in item 7.