

**NORTH FARM CITIZENS ASSOCIATION
ARCHITECTURAL CONTROL COMMITTEE**

**APPLICATION SUBMISSION REQUIREMENTS
PROCESS FOR APPLICATION REVIEW, DECISIONS AND APPEALS**

1.0 PURPOSE

Rules concerning architectural standards and guidelines are enforceable based on the contractual relationship between the North Farm Citizens Association (NFCA) and the members of the community. These rules will be interpreted by a court the same way a contract would be interpreted. If challenged, a court will examine the plain language of the rule in question and the rules and regulations as a whole, just as it would consider an entire contract when interpreting a particular clause. Typically, the court will impose some type of “reasonableness” standard and generally uphold a rule, unless it is unreasonable, violates public policy, or imposes a burden that far outweighs any benefit.

The purpose of the Architectural Control Committee of the NFCA (ACC) is to administer the community’s guidelines by overseeing changes and modifications to the exterior of a property through an application and appeal process designed to balance the interests of individual homeowners and the community as a whole, ensuring that guidelines are met and property values are protected. Ultimately, the ACC has a duty to put the interests of the community as a whole above the interests of individual homeowners.

2.0 PROCESS

2.1 PRIOR WRITTEN APPROVALS GENERALLY REQUIRED

Homeowners in the community wishing to make any changes that are considered to be architectural modifications to the exterior of their homes (as defined by the North Farm Covenants) must be submitted to the NFCA for approval. Except as provided below, written approval from the NFCA must be obtained before any modifications may be made. Approvals are for conformity with existing architectural and aesthetic conditions within the community. It is the homeowner’s sole responsibility to obtain all required building permits, engineering, water flow and/or any other areas requiring professional or technical advice or approval. Further, homeowners are solely responsible for any damage to adjoining property owners and all other persons that may result from any approved project.

2.2 APPROVALS

2.2.1 NO SUBMISSION REQUIRED

In order to offer the community expedient approvals of certain projects, the NFCA has determined that the following items do not require a homeowner to submit a request for approval to the NFCA.

- 1) Security cameras provided they are designed for home use, compact, stationary, and unobtrusive when mounted.
- 2) Video doorbells and associated smart home devices and equipment, provided they are unobtrusive when mounted.
- 3) Exterior audio speakers attached to the house, in the rear of the house.
- 4) Replacement of gutters provided they are the same color and style as the gutters being replaced.
- 5) Replacement of chimneys or masonry to repair an existing chimney, provided the style and color are the same as the chimney or masonry being replaced.
- 6) Dog/pet doors leading to the backyard.
- 7) Children's playsets/swing-sets in backyards
- 8) Replacement of exhausts for dryers or furnaces.
- 9) Attachments to homes for television and data connections (such as Verizon, Comcast, AT&T, etc.).
- 10) Replacement of air conditioning and heating systems.
- 11) Replacement of exterior light fixtures provided they are similar to the fixtures being replaced.
- 12) Replacement of hose faucets and hose holders/caddies.
- 13) Repairs or replacements to existing 3-rail split rail wood fences with the same 3-rail split rail fencing.
- 14) Repairs or replacement of decking in the rear of a home provided it keeps the same footprint as the deck being replaced.
- 15) Replacement of mailboxes provided they are similar to the one being replaced.
- 16) Anything that is not permanent but is attached to the exterior of the house, such as plants or flower boxes, bird feeders, flagpole holders, etc.
- 17) Replacement of electric and gas meters.
- 18) Permanent natural gas connections for BBQ grills.
- 19) Outdoor electrical outlets.
- 20) Reasonably sized placards and signs that are used for warnings or requests, such as "NO SOLICITORS" or "BEWARE OF DOG" or "XXX SECURITY SYSTEM IN USE" etc.
- 21) Temporary seasonal/holiday decorations.
- 22) Repair or replacement of skylights provided they are similar to the one being replaced.

2.2.2 NOTICE OF MODIFICATION REQUIRED

The following items require submission of an Approval Request Form so that a record of the modification is maintained in the NFCA storage system. These items will be deemed approved upon submission of the approval form.

- 1) Items that are permitted by law that supersede the North Farm Covenants (such as satellite dishes 39 inches or less in diameter, solar panels, etc.). Please check current Maryland law for updates to this rule.
- 2) Replacement of stoops and walkways to front door provided they are the same material, style, and footprint as those being replaced.
- 3) Replacement of railings on stairs provided they are the same material and style as the railings being replaced.
- 4) Replacement of roofs provided the replacement roof is the same color and style of shingle as the original.
- 5) Replacement of siding or repainting of exterior provided the style and color are the same or similar, or as close as possible, to the original.
- 6) Replacement of garage doors provided they are the same style and color as the doors being replaced, or as close as possible.
- 7) Replacement of driveways provided the replacement is the same material and color as the driveway being replaced.
- 8) Replacement of windows provided they are the same style as the windows being replaced.
- 9) Replacement of shutters provided they are the same style and color as the shutters being replaced.
- 10) Replacement of exterior doors provided the style and color are the same as the door being replaced or as close to it as possible.
- 11) In the event of a disaster such as a fire, flood, hurricane, hail, or earthquake that destroys part of a homeowner's home, if the rebuilding will place the house substantially back in the same condition it was in before the disaster using the same style, materials and colors.

2.2.3 EXPEDITED APPROVALS

The following items require submission of an Approval Request Form. The form will be distributed to the members of the ACC. Absent an objection from any member of the ACC, the modification will be approved administratively without further action of the ACC. If an objection is raised, the approval request will be considered at the next regular meeting of the ACC.

- 1) Installation of second air conditioning (second zone) unit provided the unit is either landscaped in a manner to minimize its appearance from the street or positioned so it is unobtrusive.
- 2) Installation of backup generators provided the unit is either landscaped in a manner to minimize its appearance from the street or positioned so it is unobtrusive.
- 3) Replacement of stoops and walkways to the front door provided they are the NOT the same material, style, and footprint as those being replaced.
- 4) Installation of new railings on stairs or replacement of existing railings on stairs provided they are NOT the same material and style as the railings being replaced.
- 5) Replacement of roofs that are NOT the same color and style of shingle as the roof being replaced.
- 6) Replacement of siding or repainting of exterior if the style and color are NOT the same or similar to the siding being replaced or repainted.
- 7) Replacement of garage doors provided they are NOT the same style and color as the doors being replaced.
- 8) Replacement of driveways provided the replacement is NOT the same material and color as the driveway being replaced.
- 9) Replacement of windows provided they are NOT the same style as the windows being replaced.
- 10) Replacement of shutters provided they are NOT the same style and color as the shutters being replaced.
- 11) Replacement of exterior doors provided the style and color are NOT the same as the doors being replaced.
- 12) Replacement of gutters provided they are NOT the same color and style as the gutters being replaced.
- 13) Replacement of chimneys or masonry to repair an existing chimney, provided the style and color are NOT the same as the chimney or masonry being replaced.
- 14) Replacement of exterior light fixtures provided they are NOT similar to the fixtures being replaced.
- 15) Installation of 3-rail split rail wood fencing.
- 16) Replacement mailboxes that are NOT similar to the one being replaced.
- 17) Installation of new skylights or replacement skylights that are NOT similar to the one being replaced.

2.2.4 REQUIRED APPROVALS

All other modifications not listed above require the submission of an Approval Request Form and full review by the ACC at a regularly scheduled meeting. Please refer to the Architectural Control Policy and Guidelines

for the criteria the ACC will use to evaluate approval requests. [Architectural Control Policy and Guidelines](#).

2.2.5 DEEMED APPROVALS

In the event the ACC fails to approve or disapprove the plans and specifications submitted in final and complete form within forty-five (45) days after the application has been submitted, or within forty-five (45) days of submission of any additional information requested by the ACC, whichever is later, such plans and specifications shall be deemed approved.

2.3 ARCHITECTURAL APPROVAL REQUEST FORM

Homeowners wishing to make architectural modifications to their homes (as defined by the North Farm Covenants) that are not on the automatic approval list (Section 2.2.1 above) must complete and submit the Architectural Approval Request Form found on the NFCA website or through this link: [Approval Request Form](#).

2.4 SUBMISSION

Homeowners may submit the on-line form electronically along with any attachments that can be scanned at a resolution of at least 300dpi (600 dpi preferred). If electronic copies of attachments cannot be submitted, documents can be mailed to the address on the request form. Alternatively, homeowners may submit the print version of the Approval Request Form and mail it with any attachments to the address on the request form. Electronic filing is preferred to avoid mailing delays.

The application must be submitted and approved before work commences. **Proceeding with modifications without prior approval is a violation of the Covenants.** Homeowners whenever possible should submit the form at least thirty (30) days prior to the anticipated start date to allow time for the ACC to review the application, request any additional information, act upon the application and, if necessary, allow time for an appeal of the ACC's decision to the NFCA Board.

2.4.1 FILE OPENED

The NFCA shall open a specific matter file in the record storage system to maintain all documents, records, and records of communications associated with the submission.

2.4.2 CONTENTS OF APPLICATION

The homeowner should submit as much information and detail as possible about the project, including designs, plans, sketches, and material samples (pictures acceptable).

2.5 RECEIPT ACKNOWLEDGEMENT

As soon as practical after receipt of the Approval Request Form, the ACC shall acknowledge receipt to the homeowner. The ACC may contact the homeowner to obtain clarification or additional information prior to consideration by the ACC. The ACC shall also remind the homeowner that obtaining any required permits is the homeowner's responsibility.

2.6 REVIEW PERIOD

The ACC shall make reasonable effort to review the submission within two (2) weeks from receipt of the application and any additional information requested by the ACC.

3.0 REVIEW CRITERIA

The ACC will review the application for compliance with the covenants and guidelines set by the community through the NFCA. The Declaration of Covenants and the NFCA Architectural Policy and Guidelines are available to the community on the NFCA website or through this link: [North Farm Covenants and ACC Policy and Guidelines](#).

4.0 OPEN MEETING REQUIREMENT

Meetings of the ACC shall be open to members of the community and shall be held to review submissions and to conduct other business. ACC meetings may be held by videoconference. Notice of meetings of the ACC shall be posted on the NFCA website and listserv at least three days prior to the meeting. The notice shall list the applications to be considered at the meeting.

5.0 DECISION

The ACC, by majority vote of those present, shall decide whether to approve the application as submitted, disapprove the application as submitted, approve some but not all of the requested modifications or advise the homeowner that if certain revisions to the requested modification are made, the ACC would approve such revisions

5.1 DECISION INFORMATION

- 5.1.1 The ACC shall provide the homeowner with a specific written decision explaining the basis for approval or disapproval of the application. The decision shall also be provided to the NFCA Board and posted on the NFCA website.
- 5.1.2 Approvals shall include specific language advising the homeowner that the approval is conditioned upon the information and facts the homeowner submitted on the application. Any changes to the approved modifications, for any reason, must be submitted to the ACC for another review. For work that is on-going, the ACC will make every effort to expedite consideration of the revisions so as not to unreasonably delay the project. Approvals shall also contain language reminding the homeowner that any necessary permits are the responsibility of the homeowner.

5.2 APPEAL OF ACC'S DECISION

A homeowner's right to substantive and procedural due process is protected by the governing documents, the fiduciary relationship between the NFCA and the members of the community, and the applicable laws and case law.

If the homeowner disagrees with the ACC's denial of the application, the homeowner may request an appeal for reconsideration by the NFCA Board of Directors. The homeowner shall be granted a hearing before the NFCA Board and shall present evidence as to why the decision of the ACC should be reversed. The ACC shall select a member to appear at the hearing and provide its rationale for the decision. The homeowner may present documentary evidence or individuals with relevant information.

5.2.1 REQUEST FOR HEARING

A request for a hearing shall be submitted in writing to the NFCA's email address or mailed to the NFCA's postal address and shall be submitted within fourteen (14) days of the notice of the ACC's decision. The decision of the ACC shall be considered the final decision of the NFCA if no timely appeal is received by the NFCA.

The hearing shall be held at the earliest convenience of the NFCA Board and the homeowner at a mutually convenient location. Hearings should be held within thirty (30) days of the notice of the request for a hearing unless the homeowner requests a longer period.

5.2.2 CONDUCT OF HEARINGS

Hearings shall be conducted by a quorum of the NFCA Board. The ranking member of the NFCA Board shall preside over the hearing. Each side shall be permitted one hour to present its case unless the NFCA Board decides that more time is warranted in order to reach a fair and impartial decision.

The homeowner shall be given the option to allow members of the community to attend the hearing.

The NFCA Board shall then have a maximum of four (4) hours (not necessarily consecutive) to discuss the merits of the case presented. At the end of the four-hour period, the decision shall be made by majority vote of the NFCA Board members present at the hearing. The decision shall be written, along with the majority's reasoning, and provided to the homeowner and posted on the NFCA website.

The decision shall be communicated to the homeowner within two (2) days of the hearing.

If the decision results in a denial of the request, the homeowner shall be advised that the case may be presented to the Montgomery County Commission on Common Ownership Communities (CCOC) at the homeowner's expense.

5.2.3 ARBITRATION

The NFCA is bound by the rules of the CCOC. If the CCOC orders the NFCA and the homeowner into arbitration, the NFCA shall accept and participate in the arbitration. The homeowner is encouraged to participate in arbitration.

5.2.4 RECORDS

The Secretary of the NFCA Board, or another person appointed by the Board, shall take minutes of the hearing, and shall make them available for electronic storage in the NFCA's record storage system.

The records of the decision shall also be maintained in the same way.

6.0 RECORDS

All records of approvals or denials of requests shall be maintained in perpetuity in the NFCA record storage system in the associated file with the property in question. The homeowner shall also be given copies of the records for personal retention.

All records of communications with homeowners during the process of application review shall also be kept.

7.0 RESALE PACKAGES

All records of decisions applicable to a particular property shall be made available as part of the resale package when a homeowner requests a resale package from the NFCA.