

KING FARM CITIZENS ASSEMBLY, INC.

ADMINISTRATIVE RESOLUTION NO. 2

PROCEDURES FOR REVIEW AND APPROVAL OF APPLICATIONS FOR
VISUAL CHANGES TO LIVING UNITS AND LOTS

WHEREAS, 4-101 of the Community Charter provides that the King Farm Architectural Design Trust is to aid the Community Architect in maintaining the visual integrity of the Community; and

WHEREAS, 4-102 of the Community Charter provides that the King Farm Architectural Design Trust shall serve to interpret and make recommendations on proposed design and visual changes, based upon standards established by the Board of Trustees; and

WHEREAS 4-104(b) of the Bylaws provides that any visual changes which are designated by the Board of Trustees as “routine changes” shall only require the approval of the Community Architect, and that the Board of Trustees may establish categories of “routine changes” that do not require any approval if made in conformance with a specific design standard established by the Community Architect and King Farm Architectural Design Trust.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees approves the following administrative procedures.

I. APPLICATION PROCEDURES

A. Visual Changes

1. Visual changes to the exterior of a Lot or Living Unit are designated in categories as follows:
 - a. Routine visual changes not requiring approval;
 - b. Routine visual changes requiring approval by the Community Architect.
 - c. Non-routine visual changes requiring approval by the Community Architect and the King Farm Architectural Design Trust.
2. The category of the visual change can be found in the applicable Equity Resolutions which govern design/exterior standards.
3. Visual changes designated as requiring approval by the Community Architect or by the Community Architect and the King Farm Architectural Design Trust (items 1.b. and 1.c. above) require the submission of an application to the Community Architect in accordance with the procedures detailed in this Resolution.

B. Application Requirements

1. All applications for proposed visual changes requiring approval must be submitted in writing to Management at 300 Saddle Ridge Circle Rockville, MD

20850 or via email to management@kingfarm.org using an application form authorized by the King Farm Architectural Design Trust. Oral requests will not be considered. Management shall promptly transmit complete applications to the Community Architect.

2. Each visual change which requires approval must be applied for even though a proposed change conforms to the Assembly's Governing Documents, and even if a similar change has been previously approved.
3. An application must be complete, including all pertinent information and required supporting documentation, to commence the review and approval process. The Community Architect shall have sole discretion to determine whether an application is complete. Incomplete applications will be returned to the applicant with a statement of deficiencies which must be remedied for the application to be considered.

The application must include a complete and accurate description of the proposed visual change(s) and supporting documentation for the same. Examples of supporting documentation which may be required include: a plat map (for example a site plan, boundary plan or house location plan) showing the location and dimensions of the Living Unit, the Lot and the proposed visual change; architectural drawings or plans; landscape plans; photographs or "cut-sheets" of an item proposed for installation; and material and color samples.

4. An applicant who wants to make any modifications to an application which has been submitted for review, or which has been approved, must submit a new application which is subject to the provisions of this Resolution.

II. REVIEW AND APPROVAL PROCEDURES

A. Time Period for Review

1. Applications for visual changes requiring approval only by the Community Architect must be reviewed and approved, denied, or approved subject to reasonable conditions or stipulations within thirty (30) days from the date of receipt of a completed application by the Community Architect. Any such application not acted upon within this time frame shall automatically be deemed approved.
2. Applications for visual changes requiring approval by the Community Architect and King Farm Architectural Design Trust must be reviewed and approved, denied, or approved subject to reasonable conditions or stipulations, within forty-five (45) days from the date of receipt of a completed application by the Community Architect. Any application not acted upon within this review period shall be referred to the Board of Trustees, which must act on the application within thirty (30) days following referral of the matter to the Board. If the Board of Trustees doesn't act upon the application within this time frame, the application shall automatically be deemed approved.

B. Notice to Applicants

1. All decisions of the Community Architect and King Farm Architectural Design Trust with respect to applications submitted shall be communicated to the applicant in writing by first class mail unless the applicant has requested that all communications regardign the application be sent via electronic mail.
2. If any proposed visual change is denied or approved with conditions or modifications, the reasons for such disapproval or conditions shall be stated as part of the written decision provided to applicants.

C. Decision-Making Procedures

1. In the case of an applicant for a proposed routine visual change requiring approval only by the Community Architect, the decision shall be made by the Community Architect.
2. The following process shall apply in the case of a complete application for non-routine change requiring approval by the Community Architect and the King Farm Architectural Design Trust.

a. The application shall be initially received and reviewed by Management then transmitted to the Community Architect. The Community Architect shall determine whether the proposed visual change or changes are in technical compliance with the Community Codes and conform to the Community Plan, including provisions of the Design Standards and Guidelines for King Farm, as modified from time to time by the Board of Trustees.

b. After review by the Community Architect and prior to the meeting of the Architectural Design Trust, Management shall forward the application to the King Farm Architectural Design Trust, together with a written recommendation of the Community Architect as to disposition of the application and any reasons for recommended denial of an application or approval with conditions or modifications.

c. The King Farm Architectural Design Trust shall review the application and the recommendation of the Community Architect and decide on the application. A decision shall require the vote of a simple majority of the members of the King Farm Architectural Design Trust at a meeting at which a quorum is present. A decision shall require the vote of one or more than a simple majority of the members of the King Farm Architectural Design Trust at a meeting at which quorum is present, if such decision is contrary to or modifies the recommendation of the Community Architect. A majority of the members of the King Farm Architectural Design Trust, including voting ex officio member, shall constitute a quorum for purposes of this Resolution.

In the event that the King Farm Architectural Design Trust cannot make a decision, the application shall be denied and automatically appealed to the Board of Trustees for disposition. In such event, the Board must make a decision within thirty (30) days form the date of referral of the matter to the Board. If the Board

fails to make a decision within thirty (30) days of the referral, the application shall automatically be deemed approved.

III. APPEALS/REQUESTS FOR RECONSIDERATION

- A. A Titleholder who has had an application denied by either the Community Architect or the King Farm Architectural Design Trust, may request that the denying entity reconsider its decision by submitting a written request for reconsideration of the application within ten (10) days after receipt of notification of an adverse decision. The request for reconsideration may address either denial of an application or an approval with conditions by the Titleholder. The Titleholder shall be entitled to one request for reconsideration for any application.

The request for reconsideration shall include any new or additional information which might clarify the application or demonstrate its acceptability.

The Community Architect or King Farm Architectural Design Trust, as applicable, must respond, in writing, to a request for reconsideration within thirty (30) days from the date of receipt of such a request. If the Community Architect or King Farm Architectural Design Trust, as applicable doesn't act upon the request for reconsideration within this time frame, the request for reconsideration shall automatically be deemed denied.

- B. If a request for reconsideration is denied by the Community Architect or the King Farm Architectural Design Trust, as applicable, such denial may be appealed in writing directly to the Board of Trustees. Such appeal must be filed within ten (10) days after receipt of the decision of the applicable entity. The Board must make decision and communicate the decision, in writing, to the applicant within thirty (30) days from the date of receipt of an appeal. If the Board fails to issue a decision within thirty (30) days, the appeal shall be deemed denied. The decision of the Board shall be final with respect to the application and no additional appeals will be considered.

IV. APPLICATION FEES

- A. The Board of Trustees, by duly adopted General Resolution, may impose reasonable fees for the processing of applications, certificates of compliance, and appeals by the Community Architect and King Farm Architectural Design Trust and may change such fees from time to time.
- B. In the event that there is an application fee, the applicant will be notified of the fee at the time of application or appeal and such fee must accompany an application or appeal. The time period for review of an application shall not commence until the fee is paid.

V. CITY APPROVAL

Notwithstanding anything contained in this Resolution to the contrary, proposed visual changes shall be subject to all relevant Public Laws. Approval of proposed visual changes by the Community Architect and/or the Architectural Design Trust and/or the Board does not obviate the need for any applicable City permit or approval.

VI. GENERAL

- A. An application shall expire six (6) months after the date of approval if the change approved has not been started. The Community Architect or King Farm Architectural Design Trust shall state any required completion dates in the approval when it is issued. A Titleholder may request an extension of the expiration period from either the Community Architect or King Farm Architectural Design Trust, as appropriate, by submitting a request in writing, which shall be responded to in writing within fifteen (15) days from the date of receipt of a request. If no response is issued, the request shall automatically be approved.
- B. Upon completion of an approved change, the Titleholder may request the Community Architect to inspect the change and to issue a certificate of compliance that such change complies with the approved application. Processing fees may apply.
- C. Certain capitalized terms used in this Resolution, unless otherwise defined herein, have the meanings specified for such terms in Appendix One to the King Farm Community Charter.
- D. If a Titleholder of KFCA files a complaint with the Montgomery County Commission on Common Ownership Communities (the "CCOC") relating to any application, including any reconsideration request or appeal on the same, and the CCOC enters a ruling on the same, the CCOC opinion shall bar the Titleholder from filing any additional reconsideration requests or appeals on the same application unless otherwise dictated in the CCOC decision. Similarly, any court order entered related to an application, request for reconsideration or appeal shall bar the Titleholder from filing any additional reconsideration requests or appeals on the same application unless otherwise dictated in the court's order.

RESOLUTION ACTION RECORD

Duly adopted at a meeting of the Board of Trustees of the King Farm Citizens Assembly, Inc. held on May 18, 2022.

Motion by: P. Scott

Seconded by: S. Beckerman

	YES	NO	VOTE: ABSTAIN	ABSENT
Sue Beckerman, Chair	<u>X</u>	___	___	___
Paul Scott, Vice-Chair	<u>X</u>	___	___	___
Karen Sicard, Secretary	<u>X</u>	___	___	___
Ric Ricciardi, Treasurer	<u>X</u>	___	___	___
Matt Roh, Member-At-Large	<u>X</u>	___	___	___

FOR COUNCIL RECORDS

I hereby certify that the following are the votes of the Board members.



Karen Sicard, Secretary