

Non-Residential Properties Architectural Procedures

Definition: These procedures are applicable to all properties bound by the Oakland Mills Village Covenants (the Covenants) within Oakland Mills that are not designated as Residential Land Use by Howard County New Town Zoning. In addition, all properties not expressly bound by the Covenants, but which require Oakland Mills Architectural Committee (AC) approval, through Deed restriction or otherwise, must adhere to these procedures.

1. Presentation to the Oakland Mills Village Board

1.1 Meeting before the Oakland Mills Community Association Board of Directors ("the Board")

Prior to submitting an *Application for Exterior Alteration for Non-Residential Properties* (the Application), the property owner must contact the Oakland Mills Community Association (OMCA) to arrange for a public meeting regarding the proposed alteration. The meeting will be held during a regularly scheduled Oakland Mills Village Board meeting unless otherwise agreed upon by the Board and the property owner. Notice of the meeting will be posted at the Other Barn and on the Village website in accordance with the Oakland Mills Articles of Incorporation and the Maryland Homeowners Association Act.

During the meeting, the property owner shall present a plan for proposed architectural changes by providing sufficiently detailed information that will allow the Board, the Non-Residential Architectural Advisory Committee (NRAAC) and the general public to understand the plan.

Information which must be presented in support of the proposed change or alteration shall include:

1. Preliminary site plan with grading and all site improvements at a minimum scale of 1"= 50' or as requested by the Board, depending upon the size and complexity of the project.
2. Architectural drawings indicating the proposed appearance of all structures at a minimum scale of 1/8"=1'0" or as requested by the Board depending upon the size and complexity of the project.
3. A general indication of all materials and colors.
4. Drawings showing the location and appearance of all signs including their size, materials and any illumination, if applicable.

5. Lighting plan specifying the location and type of all exterior fixtures if applicable.

6. Landscape plan at a minimum scale of 1"= 50' showing the location and type of landscape material if Application includes landscaping changes.
7. Any other materials requested by the Board to explain the intent and character of the project.

The presentation shall be followed by questions, comments and feedback by the Board, the NRAAC, and members of the audience. The Board Chair shall facilitate the meeting.

At the conclusion of the meeting, the Board may, at its discretion, make a determination that an Application which is submitted in relation to the presentation shall be reviewed by the Non-Residential Architectural Advisory Committee (NRAAC.) The Board's decision will be based on the scale and nature of the proposed Application. The Village Board Architectural Chair (AC) will make a final determination of the Application using the NRAAC recommendation for guidance. An *Application for Exterior Alteration for Non-Residential Properties* that is referred to the NRAAC will not be subject to the requirements detailed in Sections 1.2 through 3.3.

1.2. Public Comment Period

After the presentation to the Board and the NRAAC, the proposed changes will be displayed in Other Barn for a period of three weeks. The public will be permitted to comment via letter or email regarding the proposal. These comments will become part of the public record regarding the property.

At the close of the public comment period, the Oakland Mills Covenant Advisor shall prepare a report which shall include all e-mails and letters submitted during the public comment period. The report shall be provided to the property owner with copies sent to the NRAAC and AC within ten (10) days of the close of the comment period.

2. Architectural Advisory Panel

After the report is issued, the property owner should submit an Application through the Oakland Mills Covenant Advisor within one year of the presentation to the Board. The Applicant must respond to the report of public comments and submit information as required in *Section 3.1 Materials Required for Submission*, items 1 through 11. The Application must reflect the same intent as presented to the Board. The NRAAC will review the Applicant's submission and make a recommendation to the AC.

2.1. Composition of the Architectural Advisory Panel

The NRAAC is a standing committee of the AC which will review *Applications for Exterior Alterations for Non-Residential Properties*. The NRAAC shall be composed of no more than seven (7) members. The NRAAC shall consist of the NRAAC Chair and others approved by the Board.

2.2. Member Term of Service

NRAAC members (other than the NRAAC Chair) shall be appointed by the Board at the second regular meeting following the annual Oakland Mills elections. Members may be appointed at any time by the Board to fill vacancies. Within one month of their appointment, and within one month of any other time when new appointments to the NRAAC constitutes a majority, the NRAAC shall meet in order to designate a Chair and Vice-Chair. The Chair shall preside over all NRAAC meetings. In the absence of the Chair, the Vice-Chair shall preside. On occasion, the AC may request that the NRAAC Chair, or any other member of the NRAAC, attend Architectural Committee meetings to provide advice and assistance.

2.3. Architectural Advisory Panel Responsibilities

The responsibilities of the NRAAC are as follows:

1. Gain working knowledge of architectural policies and procedures, *Oakland Mills Village Covenants* and *Oakland Mills Guidelines for Non-Residential Properties*,
2. Attend presentation to the Oakland Mills Village Board,
3. Review all *Applications for Exterior Alteration for Non-Residential Properties* as directed by AC,
4. Read & review all material submitted with Applications,
5. Contact Covenant Advisor if additional information is required,
6. Visit properties,
7. Attend meetings (no proxies),
8. Participate in discussion of Applications,
9. Make recommendation for approval, approval with modification or disapproval of applications to the Architectural Committee Liaison (the "AC Liaison"),
10. Write minority/majority report as needed for application appeals,
11. Advise & assist the Board on architectural matters as directed by approved motion of the Board.

2.4. Meetings

The NRAAC will meet at least once a year, and more frequently as necessary to carry out its responsibilities, including review of Applications from non-residential property owners, and will provide public notice seven days prior to the meeting. Meetings shall be open to the public in accordance with the Maryland Homeowners Association Act. Notice to the public shall be posted at Other Barn and on the Village website.

2.5. Review of Applications

During an NRAAC meeting, Application review shall be performed in accordance with the following guidelines:

1. Statement of Applicant – The applicant shall provide a summary of the desired exterior alteration. The summary presentation may include description of drawings, sample materials, etc.
2. Supporters of the Application – Those people in attendance who wish to express support for the Application will be allowed a brief time to express their opinions.
3. Opposers of the Application - Those people in attendance who wish to express opposition to the Application will be allowed a brief time to express their opinions.
4. Review of Written Materials – The NRAAC shall review all written submissions to the committee with regard to the application.
5. Discussion – The NRAAC shall be permitted to ask questions of the applicant, supporters, and opposers. This discussion will be facilitated by the NRAAC Chair.

The Covenant Advisor shall maintain a sign-in sheet for each application. In addition, the Covenant Advisor shall record the vote for each recommendation. Applicants and the public are encouraged to attend and participate in NRAAC meetings.

Recusal/Conflict of Interest –If for any reason, an NRAAC member believes there is a conflict of interest, the NRAAC member shall reveal the potential conflict of interest prior to the application review. The NRAAC shall vote on whether a conflict of interest exists. If the vote of the NRAAC finds a conflict exists, the NRAAC member shall recuse himself/herself from the application review. If the NRAAC finds no conflict, the NRAAC member shall participate in the application review.

2.6. Architectural Advisory Panel Recommendations

After an application has been reviewed, the NRAAC may take one of four actions as determined by a majority vote:

1. Recommend Approval of the application.
2. Recommend Approval of the application, with modifications.
3. Recommend Disapproval of the application.
4. Table the Application stating the reason and additional information required and scheduling meeting for further review by NRAAC to comply with requirements for public notice.

In the event of a tie vote, the recommendation is deemed as a disapproval. All NRAAC recommendations are passed to the Architectural Chair Liaison for final authorization and determination.

3. Submission of Application for Exterior Alteration

3.1. Materials Required for Submission

1. Complete Application form including signatures from all adjoining property owners indicating awareness of proposed architectural changes.
2. Response to comments from meeting with the Board and open comment period.
3. Final site plan with all details and any revisions to the preliminary site plan at a minimum scale of 1" = 30' or as required by the AC depending upon the size and complexity of the project.
4. Location and details of all walks, courtyards, fences, trash dumpster enclosures, communication equipment and other exterior features within the building site.
5. Final construction drawings showing all elevations, including details of trim and finishes at a minimum scale of 1/4" = 1'-0" or as required by the AC depending upon the size and complexity of the project.
6. Actual material and color samples of exterior wall material and roofing including trim, doors, windows, etc. The AC may require the applicant to construct a sample panel on site in order to review material and color selections for final approval.
7. Final signage drawings showing the location and appearance of all signs and graphics including their size, materials and any illumination, if Application includes signage.
8. Final exterior lighting system including locations, mounting heights and manufacturer's catalog photographs of proposed fixtures, if Application includes lighting changes. The AC will generally require a photometric study in order to be able to review the proposed intensity of lighting.
9. Final landscape plan at a minimum scale of 1" = 30' or as required by the AC specifying the location, type and size of all plant materials, if Application includes landscaping changes.
10. Temporary construction facilities such as trailers, storage locations, fences, temporary signs, lights, etc., if Application requires temporary construction facilities.
11. Any other materials requested by the AC to explain the intent and character of the project.

3.2. Final Determination of Application

Upon notification of the NRAAC recommendation, the AC Liaison shall review the Application and all applicable material, to include, but not limited to, the tapes/transcripts from the presentation to the Board, public comments submitted during the public comment period, and the recommendation of the NRAAC as well as a site visit. The AC Liaison shall make a final determination within sixty (60) days of approval of submission of the Application in accordance with the Covenants. The AC Liaison shall consult and discuss the Application with the full AC before final determination.

In the event of an adverse decision, the applicant may, within ten days of receipt of notice of such adverse decision, submit a written request for review by entire AC. The majority decision of the AC shall be final and binding. In any case where the AC disapproves an Application, the AC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal can be prepared and submitted for approval.

4. Expedited Approval and Fast Track Procedures

The AC recognizes that revisions may be necessary when previously approved non-residential projects are under way. Further, the AC wishes to avoid delaying or interrupting construction in order to make determinations on such revisions.

In the event the Applicant must make a change to a previously approved Application, the Covenant Advisor shall be notified in writing. The written notification must sufficiently describe and document the revision.

Upon review of the written notification, the Covenant Advisor will make a determination whether the proposed change qualifies for an *Expedited Approval* or *Fast Track* procedure, or whether the change requires a complete Application as described in Sections 1 through 3.

Expedited Approval

If the Covenant Advisor determines that the proposed revision is of such a minor nature and not of sufficient scope or visual impact to change the architectural character of that previously approved Application, then the Covenant Advisor may approve the revision without any further process or Application. While the *Expedited Approval* is made at the discretion of the Covenant Advisor, the Covenant Advisor may consult the Village Manager and/or AC Liaison. The Covenant Advisor will make *Expedited Approval* decisions as quickly as possible. The Village Manager and AC Liaison, in that order, will make *Expedited Approval* decisions in the absence of the Covenant Advisor.

Fast Track

In the case of amendments to a previously approved Application which are of more significant scope or visual impact, but in the judgment of the Covenant Advisor still do not constitute a major change to the architectural character of a previously approved project, the Covenant Advisor may require the Applicant to submit a *Fast Track* Application. The Covenant Advisor will consult with or advise the Village Manager, AC Liaison, and/or NRAAC chair in making such a decision.

The following revision categories generally qualify for *Fast Track*:

Color changes

Color of siding, trim, or roofing may be revised. Application must reference previously approved color and include a sample of revised color.

Material changes

Visible building and paving materials may be revised. Application must include samples of materials. Material changes submitted for *Fast Track* approval may not constitute a major change to the architectural character of a previously approved Application.

Landscaping

Changes in plant species and location of planting beds may be revised within the overall approved landscaping design. Visual impact, quantity of plantings and, if applicable, shade provided may not be compromised.

Retail store fronts

Location of doors, windows, signage, and mechanical features may be revised. Elevations showing proposed revisions must be provided. Addition or relocation of drive-throughs are not eligible for *Fast Track* approval.

Parking

Orientation or location of parking spaces may be revised within the overall approved site plan, with adequate justification. The number of parking spaces may not be decreased.

Other

The AC Liaison may consider other categories of revision that do not have major effect on the architectural character of a previously approved project.

The property owner must prepare an *Application for Exterior Alteration for Non-Residential Properties*, referencing the previously approved Application. In lieu of obtaining signatures from adjoining property owners, the Applicant must send certified letters notifying previous signatories of the revision(s). Copies of the letters should be submitted with the Application. The property owner will describe the proposed amendment and provide sample plans, materials and/or elevations as specified in Section 3.1, as applicable to the proposed revision. The property owner should submit the Application and supporting materials to the Covenant Advisor. The Covenant Advisor will provide copies of the Application for revision and materials to the AC Liaison.

The AC Liaison will consult with the chair of the NRAAC or the chair's designated representative, and may consult with other AC members. The AC Liaison shall make a determination to either approve the Application as submitted; disapprove; approve with modification; or postpone the Application, stating the reason and what further information is required. Such a determination will be made by the AC Liaison within five (5) business days of approval by the Covenant Advisor of submission of the completed Application. Decisions to disapprove or approve with modification will be accompanied by citation from the *Oakland Mills Village Covenants* supporting that decision.

In the event of an adverse decision, the Applicant may, within ten days of receipt of notice of such adverse decision, submit a written request for review by the entire AC. Any meetings held to address the Application for revision will be open to the public in accordance with the Maryland Homeowners Association Act. The majority decision of the AC shall be final and binding. In any case where the AC disapproves an Application, the AC shall, if requested, make reasonable efforts to assist and advise the Applicant in order that an acceptable proposal can be prepared and submitted for approval.