

# Diamond Farm Homes Corporation

# Architectural Guidelines

## Revised August 2017

### I. Introduction and Authority

All homes in Diamond Farm (DF) are governed by the provisions of the **Diamond Farm Declaration of Covenants, Conditions and Restrictions (CCRs)**. Article VI, Section 1, of the CCRs states:

“ . . . no building, fence, wall or other structure shall be **commenced, erected or maintained** within Diamond Farm, nor shall any exterior addition to or change or alteration therein be made, including any change in exterior paint colors or other exterior colors, until the plans and specification showing the nature, kind, shape, height, materials, color and location of the same have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Diamond Farm Homes Corporation or by an Architectural Control Committee composed of three (3) or more persons appointed by the Board.”

Before settlement, all new homeowners in Diamond Farm receive a copy of the CCRs, as well as copies of the By-Laws and of the Rules and Regulations, by which the elected Board of Directors (“Board”) governs the Diamond Farm Homes Corporation (DFHC).

### II. The Architectural Control Committee

As directed by the CCRs, the Board has appointed an **Architectural Control Committee (ACC)**, composed of at least three (3) people to implement and monitor conformance to the CCRs. At least one (1) member of the ACC must also be a member of the Board. The Board has directed that the ACC:

1. Establish, and recommend for Board approval, an Architectural Standard (“Standard”) for all homes in DF, that addresses in full detail all aspects of architecture that are mentioned in the CCRs.
2. Prepare and make available to all homeowners and residents a set of **Architectural Guidelines** (this document) that details the contents of the Standard and the process for requesting maintenance or changes. The Architectural Guidelines document is also provided to all new homeowners at settlement. For rental properties, the Board has directed that the homeowner provide a copy to the renter.
3. Establish a formal process by which homeowners can request prior approval from the Board for any proposed maintenance or changes to the property that are covered by the Standard. The ACC will also establish an adjudication process for the ACC to ensure that all requests are fully examined for conformance with the Standard or with previously approved variations from the Standard, and to ensure that homeowners receive formal and timely approval or disapproval of the proposed maintenance or changes.
4. Establish a periodic inspection process by which the ACC can monitor continuing compliance with the Standard.

### III. Architectural Request Form and Adjudication Process

Article VI, Section 1, of the CCRs further states:

“In the event said Board, or its designated Committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. . . . Any such exterior addition to or change or alteration made without application having first been made and approval obtained as provided above, shall be deemed to be in violation of this covenant and may be required to be restored to the original condition at Owner’s cost.”

Any request for maintenance or change to a property begins with a formal request by the homeowner for Board approval. The ACC has created an **Architectural Request Form (ARF)** for this purpose. (This form is included here as Appendix A, and is also available on the DFHC website, [www.diamondfarmhomes.com](http://www.diamondfarmhomes.com) under the **Forms** tab.)

The ARF must be completed by the homeowner and must be clear and specific, specifying the precise location and details of all proposed changes, including all materials to be used. Drawings should be included if needed, but formal architectural plans are generally not required. If any of the materials or colors in the request are not **identical** to those currently existing, and have not been previously approved, then samples of the materials (e.g., paint chips, pictures, samples of brick or shingles) must be included with the ARF.

The completed ARF is to be sent to the ACC or its agent. As of this date, the appropriate ACC address is:

Diamond Farm Homes Corporation  
Attn: Architectural Control Committee  
P.O. Box 3298  
Gaithersburg, MD 20878-3298

Alternatively, a signed ARF may be emailed to [acc@diamondfarmhomes.com](mailto:acc@diamondfarmhomes.com), along with any relevant attachments.

Upon receipt, the ACC or its agent will acknowledge to the homeowner the receipt of the ARF, including the date of receipt, and will transmit the request to the Board and the ACC for adjudication. The ACC will adjudicate the request in one of four (4) ways:

1. If the request is incomplete or unclear, then the ACC will return the ARF to the homeowner with instructions for completion or clarification. When finished, the homeowner may then resubmit the ARF to the ACC or its agent, who will acknowledge the resubmitted request and assign a new date of receipt.
2. If the request is determined to be entirely consistent with the Standard, or is identical to previously approved variations, then the ACC is authorized by the Board to approve the request without further explicit Board action, and to advise the homeowner in writing of the approval.
3. If the request is determined to be substantially inconsistent with the Standard or with previously approved variations, then the ACC is authorized by the Board to disapprove the request without further explicit Board action, and to advise the homeowner in writing of the reasons for the disapproval. In this case, the homeowner may appeal the disapproval in writing directly to the Board, and request to meet with the Board at the next regularly-scheduled Board meeting to

present their appeal. The appeal is to be submitted to the ACC or its agent, who will acknowledge the appeal and assign a new date of receipt.

4. If the request is determined to be substantially consistent with the Standard and with previously approved variations, but does include requests for new variations from the Standard, then the ACC will defer the request to the Board with the ACC's recommendations for final adjudication. **Only the DFHC Board may approve a new variation from the Standard.** The ACC may also defer the request to the Board if, for any reason, the ACC cannot adjudicate it properly within 30 days of receipt.

Regardless of the result, the homeowner is to be advised in writing of the approval or disapproval of their request, and apprised of the formal date of the decision. As stated in the CCRs, the Board and ACC are required to approve or disapprove the request within thirty (30) days of its submission. If more than thirty (30) days elapse from the date of receipt of the ARF with no formal approval or disapproval, then the request (including any requested variations from the Standard) will be deemed to be fully and formally approved, as required by the CCRs. However, if a request is approved in this way, then any variations from the Standard that are included in the request will be deemed approved for this request only, and do not constitute a precedent for any other requests.

**No actual work on the maintenance or change may begin until the request has been approved.** If work is begun on the property before the request is approved, and if the request is subsequently disapproved, the homeowner may be required to remove the changes and restore the property to its original condition, at the homeowner's expense.

Once approved, the requested work must be commenced no later than six (6) months from the date of approval, unless the ARF itself contains a different anticipated completion date, and that completion date is approved with the request. If the approved work is not completed by the specified date, then the homeowner must submit a new ARF, including a new anticipated completion date. The ACC will monitor compliance of the changes to the request during work and upon completion, and if there is any deviation from the ARF, the Board or ACC may require the work to be brought into compliance with the ARF at the homeowner's expense.

#### **IV. Architectural Standard**

The following are the components of the DF Architectural Standard, as addressed in the CCRs.

##### **Painting and Paint Colors**

Repainting of any external part of the property constitutes maintenance, and a formal ARF is required. If the proposed paint is identical in color to the existing paint, then the work will be approved, but the ARF is still required, in order to provide the ACC with a record of the request for future reference.

Any house whose brick is currently not painted may not be painted. Any house whose brick is currently painted may be repainted the identical color. If the homeowner cannot obtain new supplies of paint in the existing color, this should be noted in the ARF, and the homeowner may suggest one or more alternative colors from paints that are available.

Windows, doors, door trim, soffits, fascia, rake boards, shutters and siding may only be repainted in approved colors. The approved colors are contained in the *Williamsburg® Paint Color Collection*, a set of colors and color names that is owned and copyrighted by the *Colonial Williamsburg Foundation*.

Beginning in April, 2013, the use of the Williamsburg® Collection has been licensed solely to the Benjamin Moore Company for the manufacture and sale of paints with these names. The list of the “Benjamin Moore Williamsburg® Color Collection” (BM/WCC) paints is included as Appendix B of this document (but may be subject to update), and is also available on the DFHC website, [www.diamondfarmhomes.com](http://www.diamondfarmhomes.com). Previous licenses with paint companies Sherwin-Williams, Pratt and Lambert, and Martin Senour have ended; these companies may no longer manufacture or sell paint under the WCC color names and no further supplies are available.

Many paint stores can custom-mix any brand of paint to match any specific color. A homeowner has the option of using Benjamin Moore paints or another brand that is intended to match a BM/WCC color. If a homeowner wishes to use Benjamin Moore paints, then the ARF must identify the specific BM/WCC color(s) by name, and it is not necessary to include sample paint chips with the ARF. If a homeowner wishes to use a brand of paint other than Benjamin Moore, the new paint must be blended by the paint store to match a specific BM/WCC color, and the ARF must contain (1) the specific BM/WCC color name that they are intending to match, and (2) a paint chip of the actual non-Benjamin Moore paint for comparison.

If the homeowner is unsure of which colors may be used, color chips of various approved paint colors can be viewed by contacting the ACC chairperson or the offices of its agent, Community Associations, Inc.

### **Decks**

A rear deck, or portion of a deck, requires an approved ARF.

### **Dish Antennas**

Dish antennas for television reception are allowed, but formal ARF approval is required prior to installation. The antenna must be placed on the rear slope of the roof so as not to be visible from the front of the house. If the antenna installer determines that the antenna will not function properly in such a location, then an alternate location, recommended by the installer, must be included in the ARF. Dish antennas are not permitted on sheds, fences or walls. All connecting cables should be run along the edge of the siding, brick or roof line, and must be secured, not loose or dangling. Note that most types of dish antenna cable can be painted to blend into its surroundings.

### **Fences and Gates**

Fences along the rear side property lines are required. Fences along the rear back property line are not required.

Fences and gates must not be painted. However, a clear sealant or a pre-approved stain may be applied. A chip or swatch of the proposed stain color must be submitted with the ARF for approval.

Fences and gates must be made of natural wood or of a man-made material intended to resemble natural wood. The style must be alternate board as originally constructed in the community. A fence between properties may have a crisscross patterned top, but this is not required. Fences must not be more than 6 feet tall, including the crisscross top.

Gates must be constructed of the same material as the fence. The alternating-board style is not used on the gate; the gate should be side-by-side boards with a curved top.

Each end unit must have an exterior brick yard wall with a working light fixture. The brick of the yard wall should match the brick of the house as closely as possible. If a request includes any work on the yard wall, then a sample of the brick must be included with the ARF.

### **Porches**

Except for the roof and gutter, no part of a porch may extend out past the front wall of the neighboring house(s). The porch roof and gutter may extend a maximum of 12 inches past the front wall of the neighboring house(s). This limits porches to those houses that are set back.

The setback of houses in Diamond Farm is 48 inches, therefore, the maximum porch depth is 48 inches.

The porch roof must have a slope similar to that of the house roof and must have shingles that match the house roof. The porch floor may be made of natural wood, or of man-made material intended to resemble natural wood, or of concrete, brick or flagstone. The brick should be complementary to the color of the brick on the house. Porch floors may not be painted.

Visible elements of the porch structure must be in harmony with the visible elements of the house and of the neighboring house(s). In general, visible elements must be a natural wood color or must be painted white.

### **Roofs**

Replacement roof construction must be similar to that of the original roof. That means standard 3-tab composition shingles with a single, solid color. If the shingle color is not identical to the existing color, then a color sample must be included with the ARF. Powered attic ventilators must be placed on the rear slope of the roof so as not to be visible from the front of the house.

### **Solar Panels**

Solar panels are allowed, but formal ARF approval is required prior to installation. Solar panels may only be installed on the roof. All connecting cables should be run along the edge of the siding, brick or roof line, and must be secured, not loose or dangling. Any associated equipment (converters, etc.) must be mounted within the house or at ground level in the rear yard. It must not be visible at ground level outside of the rear yard.

### **Sheds**

The bodies of sheds must be constructed of natural wood or of man-made material that is intended to resemble natural wood. The roof of the shed must be constructed of cedar shake shingles or of a man-made material that is intended to resemble cedar shake shingles. For those sheds that currently have shingles made of asphalt or similar materials, individual shingles or small areas may be replaced with materials that are identical to those existing. However, if more than one-half of the roof is to be replaced, then the entire roof must be converted to cedar shake shingles as above. For those sheds that currently have cedar shake shingles, converting to asphalt shingles is not permitted. If either roof shingle or shed body materials are not identical to those existing, then material samples must be included as part of the ARF.

Sheds can be built in one of two sizes: A 4 x 4 foot size (the size of the original sheds in the community) or

a 4 x 8 foot size. The shorter side of the shed must face the back of the property with the longer side extending into the property along one of the side fences. For either size, the height of the shed cannot exceed the height of the existing shed. A 4 x 8 foot shed should be of comparable style and construction as the 4 x 4 foot shed. The size and positioning of the shed must be specified in the ARF for any maintenance or change to the shed.

Storage structures in addition to the shed also require an approved ARF.

### **Exterior Features**

All windows must have mullions (grids) to give the look of six panes in each part of the window.

Shutters must be either louver or panel style. Acceptable colors for the shutters are addressed in the **Painting and Paint Colors** section above.

The entrance door may be made of wood, metal, or fiberglass that can be painted an approved color, as noted in the **Painting and Paint Colors** section above. An entrance door may be solid or have windows. Storm doors or security doors may be added, but must be painted an approved color, as noted in the **Painting and Paint Colors** section above.

Patio doors may be either a sliding door or French doors, with or without mullions (grids).

Front stoops and walks must be constructed of concrete, brick or flagstone. The brick should be complementary to the color of brick on the house. Front walks and stoops may not be painted.

Mailboxes may either be the style that attaches to the house beside the front door, or the style of a mail slot in the entrance door. Rural style mailboxes on a post in the front of the house are not permitted.

### **V. Miscellaneous**

The following are explicitly prohibited on all DF properties:

1. Excess cabling, e.g., for cable television. All cables should be run along the edge of the siding, brick or roof line, and must be secured, not loose or dangling.
2. Raw metal storm doors.
3. Any device that protrudes from a window, including window air conditioners.
4. Nonstandard window treatments, such as sheets.
5. Storage of items such as firewood, inflatable pools, toys, bikes, trash cans, recycling bins, and gardening tools in the front of the home. These items should be kept out of sight and within the enclosed back yard.

### **VI. Architectural Enforcement and Periodic Inspection**

From time to time, the Board may direct the ACC or its agent to inspect all of the homes in the community to compile a list of properties that are in violation of the CCRs or Architectural Guidelines or

of the City of Gaithersburg laws. The inspection will be done from the street or common areas and will not involve any access to the property. For each violation that is observed in the inspection, the Board will inform the homeowner of the alleged violation, specify the action to correct or abate the violation, and give a time period in which the violation must be corrected.

Any homeowner who is cited for a violation may appeal the violation in writing directly to the Board, and request to meet with the Board at the next regularly-scheduled Board meeting to present their appeal. If the Board determines that the violation is justified and that corrective action is necessary, then the Board may set a time limit for the corrective action to be completed. If the corrective action has not been completed by the specified time limit, then the Board may impose sanctions until corrective action is completed. The Board may seek legal advice to collect from the homeowner any costs resulting from the violation adjudication/corrective action process.

**Appendix A: Architectural Request Form, as of August 2017**

**Appendix B: Approved Williamsburg Colors for exterior paint**