

COPY FOR OWNER MAILING

**ANNAPOLIS ROADS WEST
MARINER'S POINT
MARINER'S LANDING**

**AMENDED AND RESTATED
ARCHITECTURAL RULES AND
GUIDELINES**

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PREAMBLE

WHEREAS, the Board of Directors of Mariner’s Point Community Association, Inc. has deemed it appropriate to review, augment and amend and restate the existing Architectural rules and guidelines; and

WHEREAS, the Board has considered, reviewed and intends to promulgate and enforce the following rules and guidelines;

NOW THEREFORE, BE IT RESOLVED as of the date noted below that the Board of Directors adopts and approves the following Amended and Restated Architectural Rules and Guidelines in place and in stead of any and all prior such rules and/or guidelines:

Section I. INTRODUCTION.

On May 21, 1981, a Declaration of Covenants, Conditions and Restrictions was signed and subsequently recorded among the Land Records of Anne Arundel County (“the Declaration”):¹ which is applicable to the privately owned and common areas of the community generally known as Annapolis Roads West, Mariner’s Point, and Mariner’s Landing. The intent

¹ Liber 3412. pages 152-185; Records, Circuit Court, Anne Arundel County, Maryland

of the Declaration is "... for the purpose of protecting the value, appearance, and desirability..." of the property "... and shall inure to the benefit of each owner thereof".

These rules and guidelines have been issued to provide a common reference and to aid in preserving architectural integrity in accordance with the covenants all homeowners accepted when purchasing property in the community.

Section II. PERMITS.

The conformance to these guidelines and approval or disapproval by the Architectural Committee is not meant to circumvent or eliminate the building permit process of the City of Annapolis. All residents will be responsible for obtaining knowledge on whether a permit is required, and if so, to obtain the applicable certificates/permits from the appropriate agency.

Section III. AUTHORITY AND DIRECTION.

The Declaration also provides for the administration and enforcement of the Covenants, Conditions and Restrictions by an association of the property owners. The Mariner's Point Community Association, Inc. ("the Association") was formed to provide for the administration and enforcement of the Declaration by and through its Board of Directors. Article VI of the Declaration provides in pertinent part that "[n]o building, fence, wall or other structure shall be commenced, erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted in duplicate to the Board of Directors of the Association and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors." The Board of Directors may appoint an Architectural Committee, composed of members of the Association, to assist it in the administration of Declaration Articles IV. Maintenance, VI. Environmental Protection, and VII. Restrictions on Use.

The Architectural Committee, if appointed, serves at the discretion of the Board of Directors, and is empowered to act for the Board in the approval of changes, modifications, etc. which are consistent with these rules and guidelines. Any application which is not consistent with these rules and guidelines shall be denied, and/or immediately appealed by the applicant to the Board of Directors for consideration. "Enforcement actions" are required as a responsibility of the Board of Directors or an agency responsive to the Board

The submittal procedures outlined below will be followed, and, in addition, a personal presentation is required to explain any questions regarding the proposals. No changes or alterations shall be undertaken without written approval of the Board of Directors or the Architectural Committee.

Section IV. SUBMITTAL PROCEDURES.

Procedures governing exterior modifications or improvements are broadly defined in the Declaration. Individual application requirements for these rules and guidelines are contained within each rule or guideline (e.g., fences, decks). Submittals should follow the below listed steps and application requirements contained within each guideline. No submittals are required for items contained in the General Procedures Section. All applications shall adhere to the following requirements:

- 1) Applications shall be prepared in duplicate and be submitted to the President of the Board of Directors or the Chairman or Vice Chairman of the Architectural Committee at their home address, or through the managing agent of the Association. Applications must contain all of the information requested under the particular guideline item.
- 2) A site plan is required as part of the application. A site plan in a scaled drawing of the applicant's lot which shows dimensions of the property, adjacent properties, if applicable, and all existing and proposed improvements including those covered by the application.
- 3) The application shall be signed and dated by the applicant and shall contain complete contact information for the applicant, including, telephone number, E-mail address (if applicable), mailing and Lot address
- 4) All submissions should be accompanied by the acknowledgment of at least two property owners who are most directly affected, because they are adjacent and/or have a view of the change. Their signatures indicate an awareness of the applicant's intent and do not constitute nor indicate approval or disapproval.
- 5) Once the application is submitted with proper and complete plans and specifications, the Board of Directors or Architectural Committee may notify the applicant of the next Board of Directors or Architectural Committee meeting so that the submission can be presented in person.
- 6) The applicant will be notified in writing by the Board of Directors as to whether the application has been approved or disapproved, and/or if additional information is needed.
- 7) If the Board of Directors or the Architectural Committee fails to approve or disapprove the application within thirty (30) days (or within the number of days provided in the Declaration if more days are provided therein) after receipt as provided herein of proper and complete plans and specifications, approval will be interpreted to be granted. Note that any application for change that is prohibited

by the Declaration is void and cannot and will not be approved.

- 8) Should the applicant want to appeal the decision of any Architectural Committee, written notice should be sent to the Board of Directors, along with the complete application and any denial received. The Board of Directors at their next scheduled meeting will act as the Appeals Board.

Section V. ARCHITECTURAL COMMITTEE MEMBERS AND SCHEDULE.

Any Architectural Committee appointed may include up to seven (7) people with an attempt to represent each section. Meetings will generally be held once a month or more frequently as required.

Section VI. SUMMARY.

The community consists of neighborhoods generally constructed in a homogeneous design spirit. All can be justifiably proud of the community and its design; therefore, it is important as the community matures, to maintain that quality while permitting flexibility for change and addition. It is hoped that all can appreciate the reason for these guidelines and work within their spirit to maintain the quality of aesthetics and life that originally led to ownership in the community.

The Board of Directors and its Architectural Committee represent the residents and the community's best interest, and therefore, welcomes any suggestions and ideas. Should any resident have questions or wish to discuss any related matter, please contact a member of the Board of Directors or its Architectural Committee.

Section VII. RULES AND GUIDANCE.

The following guidance is designed as a common reference and as an aid for community property owners and residents. The first section deals with general procedures. This section does not require Board of Director or Architectural Committee pre-approval but suggests neighborhood standards that all residents are expected to uphold. There are general maintenance ideas that should help protect the value and beauty of individual properties and the neighborhood as a whole. The second section deals with community rules and guidelines and requires a submittal to the Board of Directors or its Architectural Committee. The rules and guidelines set forth aesthetic expectations and clarify design and planning principles for exterior improvements or modifications and delineate application requirements.

General Procedures.

Items contained within the General Procedures do not require a submission for prior approval, they do, however, serve as rules and guidelines to protect and maintain each home for the betterment of the total community and augment the Declaration provisions.

1. Property Maintenance.

A. General. The visual character and economic value of property in a neighborhood are affected by the quality of both buildings and ground maintenance. Property ownership includes the responsibility for proper maintenance of all structures and grounds upon a lot. Failure to maintain man-made or natural items in good order, condition and repair, and free of debris is a violation of Article IV, Section 2 of the Declaration.

B. Maintenance of Man-Made Items. Residents are responsible for maintaining the exterior of their dwelling and any other structures on their lots, including but not limited to, decks, fences, sheds, mailboxes and their associated supports.

Any of the following may be considered a violation of the Declaration:

1. Peeling, fading or chalking paint.
2. Storage of any type of watercraft or trailers.
3. Accumulated debris (trash, cuttings or discarded items).
4. Junk vehicles as defined in the Declaration.

C. Maintenance of Natural Items. Lawns, planted areas, and natural areas require regular maintenance to protect and foster good growth without upsetting the biological balance.

Areas of concern are:

1. Improperly maintained lawns and gardens.
2. Indiscriminate use of pesticides, fertilizers or herbicides which harm plant and animal life.
2. Accumulated trash or debris.
3. Conditions which cause erosion or flooding.
4. Accumulated organic debris (leaves, grass clippings, branches).

D. Trash Maintenance. Trash containers shall be stored out of sight. For health and aesthetic reasons, trash shall be stored in closed containers. Trash should be put out in closed containers the previous evening or morning of the scheduled pickup days. Residents are responsible for ensuring that trash does not originate from their property and for picking up and properly disposing of trash which accumulates on their property.

2. Lawns and Gardens.

A. General. Lawns and gardens shall be properly maintained to enhance the appearance of the home and the community as well as to uphold the economic value of the property in the neighborhood.

The total lot must be included for proper maintenance. This means areas outside fence lines and to the curb lines.

When planting new shrubs, take into account the existing plantings in the area, the drainage, and consideration of the neighbors' property.

B. Maintenance of Lawns. A properly maintained lawn should be:

1. Mowed regularly and should not exceed six inches in height.
2. Weeded or appropriate herbicides applied to control weeds.
3. Fertilized periodically to promote growth.
4. Trimmed, particularly around posts and boxes.
5. Seeded in bare spots for appearance and to avoid soil erosion.
6. Watered as required to maintain healthy grass and plants.

C. Maintenance of Shrubbery. Shrubs should be properly cared for as follows:

1. Pruned as required.
2. Fertilized periodically.
3. Weeded shrubbery beds and eliminate weeds.
4. Trimmed to maintain height and proportion appropriate to the architecture of the house.

D. Maintenance of Vegetable Gardens.

1. These should be grown only in the rear (preferable) or side yards.
2. When the growing season is completed, the garden should be cleared, cleaned and raked.
3. If the plot is not to be used for a garden during a growing season, it should be restored to match the surrounding yard.

E. Parking and Storage of Motorized Vehicles and Watercraft.

1. Any vehicles, motorcycles, trailers watercraft, or the like, shall not be permitted to be parked or kept upon any lot other than upon original parking pads and driveways. Vehicles must have current registration and tags.

2. No vehicles, motorcycles, Watercraft or the like, shall park upon any lawn area within the community.
 3. Trailers or watercraft of any description are not to be parked or remain on common or individual properties.
3. Tree Removal. This section of the general procedures deals with trees that were existing on your record lot when your home was originally purchased.

Major trees (i.e., 6" diameter (Caliper) measured 12" above the ground) provide enjoyment to the total neighborhood by providing beauty, shade, wind breaks and nesting grounds. They also help maintain property values and resales for both yours and surrounding properties.

Dead or diseased trees shall be removed as quickly as possible if they can potentially damage surrounding homes and/or other improvements.

Trees located on common ground adjacent to your lot are controlled by the community association and any modification or removal of these trees is controlled by the Board of Directors. If you suspect a common area tree is dead or dying, notify the Board of Directors or its managing agent. Similarly, trees in landscape easements, even though they are less than defined major tree sizes, should not be removed except after application and approval of the Board of Directors.

4. Electronic Insect Traps. Electronic insect traps shall be installed in rear yards. Other locations will be evaluated on their individual merits. Consideration of neighbors should be taken into account when choosing a location. Insect traps shall only be operated during those times when the immediate area protected by the trap is occupied by applicant and/or guests.
5. In-Home Business. An in-home business must meet the zoning ordinances of the City of Annapolis. The Mariner's Point Community Association, Inc. is concerned only with the external effect of the business on the property, the residents and the community. Any in-house business under consideration should take into account the following guidelines:
 1. There shall be no significant increase in vehicular traffic, other than normal residential traffic.
 2. No manufacturing operations shall be undertaken on the property.
 3. There shall be no transport of significant materials or supplies used in

the business, into or out of the property.

4. No additional noise, odor, or lighting shall be permitted.

5. The business will be conducted during hours which are not offensive to the residents of the neighborhood.

6. Exterior and Security Lighting. Exterior and security lighting will have an effect on the applicant's house and property and may also have an effect on neighboring properties. Lighting additions and changes must be carefully designed for architectural balance and minimum impact on neighbors, and shall be directed such that any impact on neighboring homes is minimal.

It is suggested that before installing lighting that the lot owner consult with any affected neighbor to assure compatibility.

7. Storm, Screen and Security Doors and Windows.

A. General. Storm and security doors and windows can have a significant effect upon the appearance of a dwelling. For this reason, care must be exercised in the selection of these items to insure compatibility with the design of the existing structure.

B. Design and Materials.

1. Design:

a. Storm/Screen Doors and Windows: The design of these items shall be compatible with the design of the house. As a general rule, scallops, scrolls, imitation (non-functional) gate hinges and similar items are not compatible with most designs.

b. Security Doors and Windows: These items shall be of a design compatible with the design of the house. A simple structure consisting primarily of only the necessary straight vertical members and a minimum number of horizontal members provides a good basic design for general application. Other designs, compatible with the traditional and contemporary Victorian designs of the community, should be generally acceptable.

2. Materials. Materials shall be appropriate for the intended purpose. When selecting materials consideration

of the maintenance needs is encouraged.

3. Color: Color should match the color of the associated entry door or window. Consideration should be given to colors matching the associated door or window frame, siding, trim, etc., depending upon the specific situation and compatibility with the existing and neighboring structures.

B. Community Rules and Guidelines

Any changes, additions or alterations to the following will require a submittal to and written approval of the Board of Directors or its Architectural Committee as outlined in each section.

1. Decks, Patios and Walkways.

- A. General. Decks and patios shall be located in rear yards. When deck and patio designs include other exterior changes such as fencing, lights, etc., those standards shall also be followed and applied. Applications are required for all patio, deck and walkway construction.

B. Design and Materials.

1. Design: The architectural design shall be compatible with house design, lot configuration, size of yard and neighboring property.
2. Materials: Pressure treated wood or composite maintenance free deck material is recommended for decks. Patios and walkway materials shall have natural weathering qualities such as brick, stone, concrete or pressure treated wood.
3. Color: It is recommended that wood be allowed to weather naturally. If the deck is to be painted or stained, earth tones or colors compatible with the dwelling should be used. Natural colors should be used for brick, stone and concrete. Color additives or paint are not recommended.
4. Drainage: Appropriate consideration should be given to insuring proper drainage. Drainage swales shall not be obstructed. Approval will be denied if adjoining properties are adversely affected by drainage changes.

5. Storage: If a storage area is located under the deck, appropriate screening shall be provided.

C. Application Contents.

1. Drawings showing the size, shape and style of the deck, patio or walkway.
2. Site plan showing the relationship of the deck, patio or walkway to the dwelling, lot and adjacent properties.
3. Description of materials to be used.
4. Indication of treatment or samples of proposed colors. If a deck is to be painted or stained, or made from composite maintenance free materials, the colors of the existing dwelling shall also be provided.
5. Photos of the site of the proposed deck and depicting the sight-lines to the deck from surrounding areas shall be provided.

2. Storage Sheds.

- A. General. An inconsiderately placed, relocated or poorly designed shed can visually and functionally negate an otherwise desirable residential area. A storage shed and its relationship to the house it serves has an aesthetic impact on neighbors. A shed shall be a size that is appropriate to the property and the location of the property.

No structure of a temporary character, e.g., tent, trailer, garage, shed or other out building shall be permitted on the property except small tool sheds which shall be permitted only with the prior written approval.

- B. Design and Materials.

Location: Sheds shall be located in rear yards.

Sheds have been placed into two categories:

1. Free-Standing.
 - a. Design: Architectural design shall be compatible with house in design and size.
 - b. Materials. Finish materials shall be compatible with

those used on the house.

- c. Color: Color schemes shall be appropriate for the location of the shed, its surroundings and the house.
- d. Size: It is suggested to be no larger than 6' x 8', but must be compatible with individual house type.

2. Integral With Deck.

- a. Design: Architectural design shall be integral with deck and compatible with deck.
- b. Materials: Finish materials shall be compatible with the deck or individual house.
- c. Color: Color scheme shall be the same as the deck or house.
- d. Size: No larger than original construction.

C. Application Contents.

- 1. Site plan showing relationship of the new or relocated shed to the adjacent house, property lines and all existing site improvements.
- 2. Picture and/or detailed drawing including all dimensions.
- 3. Description of materials to be used.
- 4. Description of screening to be used if any, including existing and proposed landscaping.
- 5. Estimated start and completion dates.

3 Fences and Gates.

- A. General. An inconsiderately placed, relocated or poorly designed fence and/or gate can visually and functionally negate an otherwise desirable residential area.
- B. Design and Materials.

Location: Fences shall be located no nearer to the street than the rear of the dwelling erected on the lot.

Design: Architectural design shall be compatible with house in

design and fence and gate shall match in design. Posts and braces shall be located on the interior side of the fence and gate such that the more aesthetically pleasing "smooth" surface side the fence and gate is on the outside area of the fence.

Materials. Finish materials shall be compatible with those that may be used for a deck a noted above.

Color: Color schemes shall be appropriate for the location of the fence, gate and the surroundings, including the dwelling.

Size: Fences and gates shall not exceed seventy-two (72) inches in height from either side of the base of the fence. Gates shall not exceed a five foot swing area. No double gates are permitted.

4. Swimming Pools. No in ground pools are permitted.
5. Hot Tubs: Full details of any hot tub intended to be installed shall be submitted for approval.
6. Antennas. FCC laws require that aerials and satellite dishes of a meter or less are allowed. In order to accommodate the law and still maintain the pleasing complexion of our community, an application must be submitted. The placement of any such device shall be in the most inconspicuous location as possible, preferably in a location that cannot be viewed from the street and that causes the least interference with any neighbor.
7. Painting. Any painting or staining done by owners, their or contractors must utilize quality materials and shall match the existing color scheme.
8. Clotheslines. Clothes drying devices must be of a retractable type which is to be retracted when not in active use and shall be in the most inconspicuous location as possible, which location is shielded or screened from view from the street and which causes the least interference with any neighbor. Clothing shall be promptly removed once dry and shall not be permitted to remain on the outside drying device after drying is complete.
9. Solar Collectors. Solar collectors are permitted in accordance with the law.

Location.

1. Solar Collectors shall be installed solely on individually owned property, or property under the exclusive control of the lot owner as designated on the recorded deed and plat.

2. Solar Collectors shall be placed on the back/rear side of the roof and parallel to the roofline, or mounted in the back yard. In the event that reasonably acceptable levels of the sun's rays will not reach the Solar Collector, then the Board of Directors will consider non-conforming locations on the lot if sufficient reliable documentation is provided in support of the reason for the non-conforming location. Any associated storage tank shall be mounted on the ground adjacent to the dwelling. (See paragraph 4 below)

3. Solar Collectors shall not encroach upon Common Areas or any other neighboring property.

4. Solar Collectors shall be located in a place shielded from view from the street or from other lots to the maximum extent possible; provided, however, that nothing in this rule would require installation in a location from which an acceptable quantity of sunlight may not be received. This section does not permit installation on Common Areas, even if an acceptable quantity of sunlight may not be received from an individually owned lot, or other property under the exclusive control of the Owner.

Installation.

1. Solar Collectors shall be constructed with wood or metal trim. Solar panels and trim mounted on the roof must match the background color of the roof shingles. Should matching not be possible, application for the closest match possible will be considered.

2. All installations shall be completed so that they do not damage any other lot or Common Areas.

3. Solar Collectors must be secured so as not to jeopardize the soundness, or safety of the dwelling or lot to which they are attached, and any other owner's property, or the safety of any person at or near the Solar Collector, including damage from wind blown Solar Collectors.

4. Solar Collectors shall be installed and secured in a manner that complies with all applicable city, state and federal laws and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any

applicable governmental permit. No guide-wires are permitted on any ground mounts.

Maintenance.

1. Owners shall not permit their Solar Collectors to fall into disrepair or to become safety hazards.
2. Owners shall be solely responsible for Solar Collectors maintenance, repair, improvement and replacement.

Solar Collector Camouflaging.

1. Solar Collectors shall not extend beyond the Lot lines and must be at least fifteen (15) feet from the Lot line.
2. Solar Collectors situated on the ground, and visible from the street or from other Lots shall be camouflaged by existing landscaping or fencing to the extent possible. If no such existing landscaping or screening exists, the Association may require Solar Collectors to be screened by new landscaping, potted plants, or other screening material of reasonable cost.

10. Awnings and Trellises. Architectural design shall be compatible with house in color, materials and design. Awnings and trellises must be maintained in good order, condition and repair by the owner or removed from the property. Any additional expense to paint will be paid by the owner.

11. Rain Barrels. While good for the environment by diminishing water run off and reusing water they must be placed out of sight from the street. No more than two (2) rain barrels may be kept on a property. For health and aesthetic reasons, rainwater shall be stored in closed barrels. Color shall be one that blends with the surrounding environment. Rain barrels must be maintained in good order, condition and repair by the owner or must be removed from the lot.

- C. Comment. The Board of Directors has been working on construction guidelines and general procedures to help organize and define requirements for any external changes to each owner's house and property. The Community Guidelines Section is not intended to circumvent the permitting process of the City of Annapolis, or to interpret zoning laws. They have been established for the good of the community, to help regulate change and to maintain the spirit of architectural and landscaping that originally enticed us buy here.

The Community Guidelines outline the process for applying for a change and broadly illustrate construction methods that would generally be acceptable to the community.

They are not intended to be overly restrictive. However, we believe by maintaining these standards that not only will you enhance your own property for investment and/or resale, but will similarly protect your neighbor's investment.

Many of the residents within the community have instituted excellent changes to their houses. These involve simple changes such as painting shutters and doors and more complex changes such as enlarging decks. It is imperative that all construction changes contained in the community rules and guidelines section come through the committee to maintain a fairness and equitable stance with all the residents who have and will adhere to similar rules and guidelines.

We realize it is difficult to maintain a healthy lawn and to keep one's yard at its peak throughout the year. However, general upkeep that would include the lawns, garden and trash are the most visible elements for all of us that travel through the neighborhood. Because of this, it should not only be of the utmost importance to maintain your own yard, but to consider the neighbors and people traveling through the neighborhood.

These rules and guidelines are intended to be upheld in the spirit of cooperation. The Board of Directors does not wish to have to force compliance, but it will. The courts have consistently upheld the powers of homeowners' associations to enforce covenants, rules and architectural standards.

We hope you understand and appreciate the effort that went into the preparation of these rules and guidelines, but more importantly we hope that you honor the spirit that is behind them. We welcome your comments and suggestions and hope that you will work with us in upholding the covenants, rules and guidelines and that you will work through the application system for any changes you contemplate to the exterior of your house and lot.

VIII. ADOPTION AND COMPLIANCE.

The foregoing Amended and Restated Architectural Rules and Guidelines, was duly adopted in accordance with any and all applicable federal, state, and local laws and ordinances and in accordance with any and all requirements of the Declaration and Bylaws and is further

APPROVED BY A MAJORITY OF

THE BOARD OF DIRECTORS THIS _____ DAY OF _____, 2012.

ATTEST:

President

Secretary

This document has been filed among the Circuit Court for Anne Arundel County
Homeowners Association Depository on or about the

_____ day of _____, 2012.

Clerk of Court: Please return the as filed document to:

Kathleen M. Elmore, Esquire
Elmore, Throop & Young, P.C.
5 Riggs Avenue
Severna Park, Maryland 21146
410-544-6644

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