

Magothy Forest Association, Inc.
Severna Park, Maryland 21146

Architectural Control Guidelines

Section I – General

A. Purpose –

The purpose of these guidelines is to establish minimum standards for the architectural control of the community, consistent with the desire for structural harmony, protection of value and desirability of the community.

B. General –

All homeowners are required to submit to the Architectural Control Committee (ACC), through the Homeowners Association (HOA), for approval, any modification to the external appearance of their property, following the procedures outlined in these guidelines. No homeowner is allowed to make any modification to his/her property as covered by these guidelines and the Covenants, Conditions and Restrictions, Magothy Forest Association, Inc., without the express written approval of the HOA.

C. Scope –

All homeowners of Magothy Forest shall abide by these architectural control guidelines, which govern any addition, modification or change to the architecture of the community. Nothing in the architectural control guidelines shall in any way affect the property owner's obligation to fulfill individual responsibilities for these requirements. Nor shall it relieve the homeowner of the responsibility to comply with local, county and/or state/federal regulations.

D. Authority –

The right to control architecture has been granted by virtue of the Covenants, Conditions and Restrictions, Magothy Forest Association, Inc., Article VI, Architectural Control (Attachment 1). The ACC is the arm of the HOA charged with the management of all architectural matters for the community. And, as stated in Section 4.1 of the Magothy Forest Association By-Laws, the ACC shall consist of not less than three members appointed by the Board; geographic representation of the membership shall be considered. Under direction of the Board, the ACC may submit recommendations for changes to these guidelines to the Board, as warranted.

E. Enforcement -

Article IX of the Covenants, Conditions and Restrictions, Magothy Forest Association, Inc., grants the HOA the right to enforce these guidelines by legal action, if necessary.

Section II – Architectural Modification Request Process

A. Standardized Application –

Any home owner who desires to alter the external appearance of his/her property must submit the plans to the HOA president, or designee, by using the standardized application (Attachment 2) which can be obtained from any member of the ACC, any Board member, or by mail from the HOA.

B. Degree of Specificity -

The home owner is required to complete all lines on the standardized application in order for the ACC to provide the fairest possible evaluation of the application; lines not applicable must be so marked.

C. Number of Copies –

Each application must be submitted as an original and 5 copies.

D. Submittal and Approval/Disapproval Process –

The homeowner must submit the completed standardized application to the HOA president, or designee, who will ensure that the ACC chairperson, or designee, receives copies of the application. The ACC will evaluate the application and make its recommendation for approval or disapproval in writing to the Board of Directors. The HOA will inform the applicant of the decision, in writing, using the appropriate space on the standardized application.

1. Time Lines –

In accordance with Article VI of the Covenants, Conditions and Restriction, and the By-Laws, Magothy Forest Association, Inc., the ACC shall provide to the Board its recommendation on each request not later than fifteen days following receipt of the request by the president; and, in the event a final decision is not rendered to the applicant within thirty days after the date of receipt by the president, or designee, approval will not be required and the applicant's responsibilities will be deemed to have been fully complied with. Following project approval, if planned work is not begun within thirty days of the projected start date as shown on the standardized application, re-submission is required.

2. Condition Approval –

An application for architectural modification may be conditionally approved. Conditions of the approval will be specified in writing on the application when returned to the applicant, whose responsibility it would be to ensure that the specified conditions are incorporated into the original plans.

3. Appeal –

Any decision of the HOA and ACC with regard to an architectural application may be appealed directly to the Board. Such requests must be made in writing to the president within thirty days of receipt of the returned application. The homeowner has the right to appear in person at the next regularly scheduled Board meeting or to have his/her appeal considered in writing. The president will notify the homeowner of the date, time and location of the next meeting. The ACC chairperson, or designee, shall be present at the appeal. After considering the appeal of the homeowner, the Board, upon consultation with the ACC, shall note on the merits of the appeal, and may opt to either reverse the application disapproval, modify or change the conditions of approval, or make other changes as deemed appropriate. The homeowner shall be notified in writing of the final decision of the Board within five days of the appeal hearing.

Section III – Architectural Modifications

Modifications include, but are not limited to the following:

A. Alterations -

Alterations are defined as any change to the original external specifications of the home as purchased, or to any previous HOA approved alteration. Alteration to any exterior surface include, but are not limited to, trim paint color, siding color, brick, texture and style.

B. Additions –

Additions are defined as external structures, partial or whole, attached to or part of the basic house, that were not part of the original structure at the time of purchase. Additions include, but are not limited to, the construction or enclosing of porches, patios or decks; greenhouses, gazebos and other such structures.

C. Detached Structures –

Detached structures are defined as structures which are not attached to the home. Detached structures include, but are not limited to, gazebos, sheds and free standing decking, including that surrounding pools and spas. Sheds will be considered on a case-by-case basis. Sheds made primarily of metal will not be allowed. Sheds must be constructed of materials which are not prone to general deterioration. Any proposed material/style must be in harmony with the applicants property and be consistent with other properties in the neighborhood.

D. Fence –

A fence is defined as any form of property/structure enclosure. The following general specifications apply to fence construction;

1. Front yard fences of any design or for any purpose will not be approved. A front yard is defined as all that forward of the rear plane of the home.
2. Rear yard fences will be considered for approval. A rear yard is defined as all that which is behind the rear plane of the home.
 - a. Material – Chain link fences will not be approved.
 - b. Height – Fences for inground pools, spas, etc., must be six feet in height. Fences for other purposes will be considered on a case-by-case basis, but generally will be limited to four feet in height.
 - c. Style – Fence style will be considered on a case-by-case basis.

E. Driveway –

A driveway is defined as a roadway used to traverse the property to park a vehicle within a garage, or to reach a parking pad.

F. Parking Pad –

A parking pad is defined as an improvement area used to park an approved vehicle upon the property.

G. Pools, Spas, Ponds, Etc. –

These are defined as structures which contain water for personal recreation or aesthetic purposes. Such structures must be appropriately safeguarded against unwanted/unwarranted access, minimally in accordance with local codes, and as specified in Section III.D of these guidelines.

Section IV - Maintenance

A. General –

Property must be maintained in a manner which is consistent with other properties in the neighborhood. No property shall be allowed to deteriorate. Each homeowner shall be required to maintain all property, structures and improvements thereto in good working order and repair. The HOA will enforce maintenance guidelines upon written notification of a lack of maintenance by any homeowner or verbal notification at a Board meeting.

B. Landscaping –

Grounds shall be maintained in a manner which contributes to the positive appearance of the home and the neighborhood. Maintenance of the grounds includes, but is not limited to, the watering, seeding and mowing of lawns, the pruning of trees and shrubs, and the maintenance of gardens or flower beds.

C. Structures –

The painting and general external care of homes and other improvements are required. This maintenance shall be performed in a manner and with such frequency as is consistent with good property management and consistent with the general appearance of the neighborhood.

Section V – Compliance

A. General –

By virtue of the Covenants, Conditions and Restrictions, Magothy Forest Association, Inc., homeowners found to be in violation of either the aforementioned covenants or these guidelines may be subject to civil litigation and be liable for all reasonable costs and fees associated with such litigation.

B. Notification –

A homeowner deemed in violation of any provision of either the aforementioned covenants or these guidelines shall be notified in writing by mail. Violations will be specified, corrective action will be outlined and a compliance date will be established. Failure by the homeowner to correct violations as identified will be referred to the legal counsel for the HOA for further action, which may include injunctions and/or legal action deemed appropriate to remedy the violation.

D. Appeal –

The homeowner may appeal the notice of violation by requesting a hearing with the Board. /such request must be made in writing to the president of the HOA within ten days of the date of notification. The homeowner has the right to appear in person at the next regularly scheduled Board meeting or have his/her appeal considered in writing. The president of the HOA will notify the homeowner of the date, time and location of the next meeting. The chairperson, or designee, of the ACC shall be present at the appeal. The Board shall have the authority to either rescind the violation, modify or change the violation, modify or change the corrective action required and/or the compliance date, and/or make other changes as deemed appropriate. The homeowner shall be notified in writing of the final decision of the Board within five days of the appeal hearing.