



OCEAN PINES ASSOCIATION, INC.

239 OCEAN PARKWAY

OCEAN PINES, MARYLAND 21811

*Architectural Review Committee*

# *Guidelines*

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## INTRODUCTION

The appeal of Ocean Pines depends on the cooperation of residents and property owners in creating and maintaining clean and aesthetically pleasing homes and surroundings. The privileges of residing in pleasant surrounds are not without responsibility. While mutual courtesy and consideration are certainly requisites, the existence of an independent Committee to ensure that standards of residential design and maintenance are adhered to is of utmost importance.

The Environmental Control Committee (ECC), created in 1968, was specifically formed to address these issues. The Committee is comprised of three members and two alternates from the Community who are appointed by the Ocean Pines Association Board of Directors to address permit requests, formulate guidelines, and monitor compliance with the Declaration(s) of Restrictions and these Guidelines. The primary goal of the Committee is to ensure that the property owner continues to enjoy the property values and amenities that go together with life in Ocean Pines.

In 2000 the name of the Committee was changed to the Architectural Review Committee (ARC), a name which more appropriately describes the role of the Committee. While the Declarations of Restrictions reference the original name for the Committee, these Guidelines utilize the newer name unless directly quoting the Declarations of Restrictions.

In these Guidelines, the responsibilities for specific areas of the Guidelines fall to both the Architectural Review Committee, herein called the ARC, and the Compliance, Permits, and Inspections Department staff, herein called the CPI Department. **No other Department or employee of Ocean Pines has any authority to make any decisions relating to these Guidelines or Section Declarations.** The CPI Department is a paid staff of professionals that, under the supervision of the General Manager, manage the day-to-day requests for information, applications for permits and variance requests, and inspections. It is also the responsibility of the CPI Department to issue notice letters when violations of the Declarations of Restrictions and the ARC Guidelines are determined to have occurred.

The OPA Board can suspend voting rights and the right to use the parks and other recreational amenities of the Association of any member, tenant or guest during the period of any continuing violation. No additional permits will be issued and no variances/exceptions will be granted where an outstanding violation exists and remains uncorrected or any money owed to OPA remains unpaid.

Each individual Section of the Community has its own Declaration of Restrictions. These must be followed and may be more restrictive than the ARC guidelines. Both these Guidelines and the individual Declaration of Restrictions for the appropriate Section must be reviewed to ensure complete compliance with all applicable requirements.

It should also be understood that the failure of either the Committee or the CPI Department to act immediately upon any violation does not constitute acceptance, waiver, or approval.

IN MOST CASES, IN ADDITION TO THE APPROVAL FROM OCEAN PINES, THE HOMEOWNER WILL ALSO NEED THE APPROVAL OF WORCESTER COUNTY BEFORE STARTING A PROJECT. THERE CAN BE DIFFERENCES BETWEEN THE REQUIREMENTS OF THE COUNTY AND OCEAN PINES. THE HOMEOWNER NEEDS TO UNDERSTAND THAT WHERE DIFFERENCES EXIST, THE STRICTEST GUIDELINE WILL BE ENFORCED.

Terms used in these Guidelines are defined in the Glossary.



## **Section 100. General Provisions**

### **Section 100.1 Purpose**

**A. Authority.** The Declaration of Restrictions for each Section of Ocean Pines empowers the Architectural Review Committee (ARC) to certain portions of the Restrictions, and these Guidelines. The ARC has formulated and recommended, and the Board of Directors has adopted these Guidelines. Reasonable consideration has been given to the character of each separate Subdivision (Section) of the Community and to the requirement of orderly development of the Community as a whole.

**B. Public Health, Safety, and Welfare.** The primary consideration in the formulation of these Guidelines is to promote, consistent with the Declarations of Restrictions, maximum enjoyment from the use of the common elements and protect, preserve, enhance, and perpetuate maximum property values and aesthetic character consistent with the health, safety, and general welfare of all owners within the community.

The Guidelines are subject to change by the ARC, with approval of the Board of Directors at any time, with thirty (30) days prior notice so long as the changes are consistent with the Declarations of Restrictions, OPA Charter, OPA By-Laws, recorded plats, and applicable Maryland law.

**C. Restrictions.** All actions of the ARC shall be guided by the purpose contained in the Objective and Design Requirements herein, by the Declarations of Restrictions for each section of Ocean Pines, and by the Worcester County Zoning Ordinance. The requirements of the Ordinance, particularly regarding building setbacks, may be different from the Restrictions. The ARC will apply the stricter of the setbacks described. The Restrictions require that any planned or proposed improvement on a numbered lot in Ocean Pines will require approval in writing from the CPI Department, followed by a permit authorized by ARC, before any work can begin. However, property owners are individually and separately responsible for compliance with the Worcester County Zoning Ordinance and for obtaining all necessary County approvals and permits.

**D. Permits.** Permits are approved by the ARC and issued by CPI. The permitting process begins by submitting an application (obtained from the CPI Department) and paying fees and other charges as may be required. No permits will be approved until all required documents have been submitted, including all contractor's licenses and evidence of insurance. After-the-fact permits will not be issued for anything that would not have been approved if the request had been properly presented through the permitting process. ARC reserves the right to rescind any permit that may have been issued incorrectly, without proper authority or based on invalid information.

ARC will not approve any permits where work is to be performed by a contractor not holding a valid Maryland Home Improvement Contractor's license or valid Maryland Homebuilder's license unless based on the nature and scope of the proposed work, neither such license is required under Maryland law. Permits are required for any improvement to the exterior of the primary structure, alterations to and addition of accessory structures and outbuildings, any alternations to the lot, including driveways, patios, sidewalks and landscaping, that will have a material on the natural flow of stormwater runoff.

**E. Fees and Deposits.** These are established and approved by the Board of Directors and are subject to change without notice. Applicants should contact the CPI Department to ensure the schedule is current.

**F. Forms.** The various forms referred to in these guidelines are available at the CPI Department office and on the OPA Website ([www.oceanpines.org](http://www.oceanpines.org)).

**G. Variations and Exceptions** - Variations and Exceptions, when granted, are intended to provide relief from practical difficulties and unnecessary hardships in the application of the Restrictions. ARC will not consider any requests for Variations or Exceptions if the presentation does not include all the required documents to make an informed decision. This may include a survey, performed by a licensed surveyor, showing the existing As-Built conditions and measurements of a property, such as boundaries, easements, encroachments, monuments, paving and hardscaping and lot coverage calculations, if sufficient detail is not shown on the one submitted. Surveys showing a proposed dwelling to be built will require an updated survey. Notification to adjacent property owners will be made and the adjacent property owners' comments requested.

If a homeowner is requesting either an Exception to the Guidelines or a Variance to the Declarations of Restrictions that will also require approval from the Worcester County Board of Zoning Appeals, application must first be presented and approved by ARC before being presented to the Zoning Board. ARC is not bound by decisions rendered by the Zoning Board and failure to obtain prior approval from ARC may result in unnecessary expense.

The ARC will only consider Variations or Exceptions when:

1. No outstanding violations exist on the property.
2. The request will not be materially detrimental or injurious to adjacent properties, the neighborhood, the Section or the Subdivision and, to the best of their knowledge, does not violate any Worcester County Codes.
3. Unique circumstances exist which are peculiar to the lot, structure, or building involved.

4. The request is in conformity with the intent and purpose of the Section's Declaration of Restrictions and The OPA Architectural Guidelines.

5. Variances or Exceptions to the rear BRL (Building Restriction Line) as shown on the property survey, for lots on the golf course or the fifteen (15) foot maintenance easement (Critical Area Buffer) for lots on the water will not be approved.

6. No Variances or Exceptions will be granted for cited violations meeting the definition of a Nuisance Property as defined in Worcester County Code Title PH 1, Health Related Nuisances, Subtitle I, Environmental Health Hazards, Subsection PH 1 101- Nuisances. Any properties meeting those conditions will be reported to the County for appropriate abatement procedures allowed by the Code as referenced in Subsection PH 1-102 - Abatement of Nuisances.

7. Approval of a Variance or Exception for a contemplated improvement or use will have no conditions for the future removal of the approved improvement or use. Removal alone is not a valid reason to approve the request if the approval would not have been granted otherwise. In certain cases where the improvement or use exists, future removal may be a condition of approval.

**1. Variances to the Declarations of Restrictions.** Subject to the foregoing, the ARC may allow reasonable variances and adjustments of these Restrictions.

**2. Exceptions to the ARC Guidelines.** An exception to the ARC Guidelines is not a variance, which only refers to adjustments to Restrictions found in the Declarations of Restrictions. An exception refers strictly to relief granted by ARC to the requirements found only in these ARC Guidelines.

### **Section 100.2 Objectives**

**A.** To preserve the natural beauty and setting of the Ocean Pines subdivision and to prevent indiscriminate clearing of property, removal of trees and earthmoving.

**B.** To ensure that the location and configuration of structures are visually harmonious with their sites and surrounding sites and structures and do not unnecessarily block scenic views from existing buildings or tend to dominate the developed areas of the natural landscape.

**C.** To ensure that the architectural design of the structures and their materials and colors are visually harmonious with Ocean Pines' overall appearance, with surrounding development, with natural landforms and native vegetation and with approved or proposed development plans for the areas in which the structures will be located.

D. To ensure that plans for landscaping of open spaces conform to the regulations prescribed herein, provide visually harmonious settings for structures on the same site and on adjoining and nearby sites, and blend with the natural landscape.

E. To prevent any neighborhood from evolving into a "tract development" appearance caused by repetitive plans of similar style houses, and to prevent the lowering of property values in any neighborhood.

### **Section 100.3 ARC Function**

A. The successful execution of the design approval function performed by the ARC necessarily requires ARC to interpret the Guidelines and applicable Declarations of Restrictions. The ARC is charged with preserving, enhancing and protecting the quality of the residential environment, contributing to the health, safety and welfare of residents and protecting the value of all properties in Ocean Pines, in a manner consistent with the OPA governing documents.

B. Insofar as it is possible, the ARC carefully considers the needs and hardships of each property owner in the review and approval of plans. However, the ARC must act in the best interest of the overall community and preserve the value of other properties in the development and the value of Ocean Pines through its decisions.

C. Every one of the guidelines is hereby declared to be independent of and severable from every other one of the guidelines and from every combination of the guidelines. Therefore, if any of the guidelines should be held to be invalid or to be unenforceable, that holding shall be without effect upon the validity or enforceability of any one of the other guidelines.

**Section 100.4 General Design Guidelines.** It is strongly recommended that persons interested in building, or remodeling, obtain professional design assistance for their projects; that is, an architect, landscape architect, land planner, or other professionally recognized design consultant familiar with local codes and restrictions, as there are certain code requirements that may be applicable to a proposed project.

A. **Design Criteria.** Each home should be designed for its specific lot. A physical inspection is required, taking into consideration its site-specific conditions and any potential future modifications and/or additions.

1. The exterior design, position, texture and color should be different from other homes within three across the street, one on either side and one behind.

2. Strictly rectangular house plans with continuous flat plane walls should be avoided. A break in wall planes should especially occur on any street fronting elevation. No solid walls on the street front elevation will be approved.

3. Colors should be used to complement or highlight features.
4. Greater distance may be required between similar homes in some areas to prevent the appearance of design repetition. See Section 300.
5. All exterior structural and finish details should be designed to blend harmoniously as one single architectural unit (the finished home).
6. Textured or smooth materials may be used in exterior finish to achieve variety, but not at the expense of sacrificing architectural continuity. On the other hand, monotony is to be discouraged.

**B. Coverage Criteria.** In general, the bulk (height, width, length) of the on-site structures shall not be proportionally excessive for the lot on which it is placed.

1. Buildable Area. Lots with a buildable area (gross area less setbacks) of 2,200 square feet or less may cover 100% of the buildable area. Coverage on lots with a buildable area over 2,200 square feet shall decrease from 100% to 55% as the buildable area approaches 5,000 square feet (See Exhibit 1). All lots with buildable area 5,000 square feet or more will be limited to 55% coverage. All structures attached to the home that do not include a roof will not be included in the buildable coverage calculation. All decks must remain open to not be included in lot coverage. Note: future enclosure of open decks may not be permitted if the original buildable area covers the maximum allowed. For purposes of coverage determination only, corner lots will be based on County setbacks.

2. "Excess Open Space." In addition to the coverage permitted in Section 100.4.B.1 above, in all sections of the Ocean Pines Subdivision which include single family detached numbered residential lots, where more than 30% of the total land area of such section is dedicated for open space or for use for storm water management purposes and is not included in the area of any lot or parcel to be sold to members of the general public or in a parcel to be used for community uses or for tennis courts, swimming pools, golf courses, marinas or other active recreational uses, ("Excess Open Space"), then each single-family numbered residential lot in such section shall be entitled to an additional coverage credit equivalent to the total number of square feet of Excess Open Space in the section divided by the total number of single-family numbered residential lots in the section. The allowable excess lot coverage will be calculated as, the allowable coverage square footage as calculated in Exhibit 1, plus 30%.

3. Setback Modifications. The following architectural features may project into any required front yard or rear yard setback and, subject to the conditions specified, may project into any required side yard a distance not to exceed one-fifth (1/5) of the width of such required side yard:

a) Cornices, eaves, or other architectural features, not walls, may project a distance not exceeding three (3) feet.

b) Fire escapes may project a distance not to exceed six (6) feet.

c) An unenclosed landing not to exceed twenty-five (25) square feet with necessary stairs or ramp may project a distance not to exceed six (6) feet. Such features may be covered by a roof but not enclosed except by railings.

d) Bay windows, balconies and chimneys may project a distance not to exceed three (3) feet, provided that such features do not occupy more than one-third of the length of the wall on which they are located, in the aggregate.

e) An unenclosed handicapped ramp not exceeding the minimum standards to provide safe access as set forth in the current ICC 2017-A117.1, Accessible and Usable Buildings, Section 405, Ramps, or its successors, may project a distance not to exceed ten feet into the ordinance required front yard setback. The handicapped ramp may project any distance into the rear yard setback. However, in no event can a handicapped ramp be closer than fifteen (15) feet to the landward edge of any pier, dock, bulkhead, riprap, etc. Such feature may be covered with a roof but not enclosed except by railings.

**C. Height Criteria.** No single-family structure shall exceed thirty-five (35) feet in height, as measured from the average finished grade around the house foundation to the highest point of the roof. (See Section 400.3D E for maximum fill depth.)

### **Section 200. Plan Submittal Procedures and Construction Requirements**

**Section 200.1 New Work Preliminary Submittal.** The ARC encourages the applicants to have plans reviewed at a conceptual stage prior to formal submission. This preliminary review will facilitate communications and clarify design requirements.

**Section 200.2 Plan Review** (Note: for specific design requirements see Section 300).

A. **General.** All plans and specifications for any structure or improvement whatsoever to be erected on or moved upon or to any lot, and the proposed location thereof on any lot or lots, the construction material, the roofs and exterior color schemes, any later changes or additions after initial approval thereof and any remodeling, reconstruction, alterations or additions thereto on any lot shall be subject to, and shall require, the approval in writing from the ARC before any such work is commenced. Any structural change, addition or material alteration, or any material physical change or alteration to the lot itself, will require a permit from Ocean Pines. Lots located in a designated Critical Area must be reviewed by the Worcester County Department of Environmental Programs prior to the start of construction.

Homeowners should be aware that Maryland law requires that a contractor performing home improvement work, as defined in Maryland law, must have a currently valid Maryland Home Improvement license and or a Maryland Homebuilders License, and the license number shall be included on the application for a permit.

B. **Survey/Site Plan Requirements.** If sufficient detail is not shown on the survey/site plan submitted, permit approval may be dependent on submission of a current survey, performed by a licensed surveyor, that shows the existing As-Built conditions and measurements of a property, such as boundaries, easements, encroachments, monuments, paving, hardscaping and lot coverage calculations, Surveys showing a proposed dwelling to be built will require an updated survey. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

C. **Information Required.** The information to be submitted to the CPI Department shall include but not be limited to the following:

1. **Plan Application.** Two (2) copies of the Application for Plan Approval signed by the owner and builder.

2. **Floor Plans and Elevation Drawings.** Two (2) complete sets of final floor plans and two (2) complete sets of the elevations showing all views of the structure which include decking, screened porches, steps, and landings and drawn to  $\frac{1}{4}'' = 1'$  scale. Plans shall consist of architectural quality drawings in enough detail to determine if all requirements can be met and must include the overall height of the building and the calculation of Buildable Area and Lot Coverage. The architectural plans and specific details of the application must be consistent with each other. Alterations or revisions to the plans submitted shall be consistent with the quality of the original plans. Marked up floor plans and elevations are not acceptable. The floor plans and elevations submitted are to be true reflections of the structure to be built on site. No revised lettering or dimensions on submitted documents will be accepted. No documents with excessive red marks or pencil marks noting revision of building design will be accepted. Future optional additions/alterations shall not be included in the submitted drawings.

3. **Site Plans.** Three (3) copies of a site plan drawn to a scale of  $1'' = 30'$  or  $1'' = 20'$  completed by a licensed surveyor and showing the following:

- a) Section and lot number
- b) Site configuration and dimensions
- c) Scale
- d) North Indication

e) All building restriction lines and easements as shown on a recorded document.

f) Proposed location of the house and other structures including decks, porches, landings, steps, driveways, walkways, patios, culverts, detached garages, fences and detached sheds. If the construction involves an alteration or addition to an existing property, the plan must show the existing As-Built conditions and measurements of the property, such as boundaries, easements, encroachments, and monuments and existing structures. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

g) Elevations of key points referenced to mean sea level, including the WCSC holding tank, the lowest habitable floor level of the structure, property corners, midpoint of side property lines and proposed finished grades with the effect on drainage and runoff patterns. (Reference Section 300)

h) Restrictive County zoning classification of Wetlands (if applicable) and the locations of Critical Areas and Buffer Zones.

i) Calculation of Buildable Area and coverage.

j) Disturbance of existing vegetation.

4. Landscape Plan. Two (2) copies of the final landscape plan drawn to a scale of 1" = 30' or 1" = 20' are required. The plan shall comply with the requirements of Section 400.2, Landscaping Plan.

5. Completion Agreement and Deposit. Cash, check or money order payable to the Ocean Pines Association shall accompany the Completion Agreement (form available at the CPI Department office). Contact the CPI Department office for the current fee. Information may also be obtained by visiting [www.oceanpines.org](http://www.oceanpines.org) or [info@oceanpines.org](mailto:info@oceanpines.org). The Completion Agreement assures that construction will comply with the objectives and requirements as stated in the Ocean Pines Declarations of Restrictions and the ARC Guidelines. The completion deposit is refundable upon final inspections and approval of the house and landscaping by the CPI Department.

6. Color Samples. Color samples of all exterior finishes, including roofing material, siding and trim shall be submitted with the application, unless samples are on file with the CPI Department. Submissions must include the manufacturer's name, code number, if applicable and any other pertinent information.

7. Installation Plan for Modular Homes. An installation plan shall be submitted, indicating the area to be cleared for the location of the erecting equipment. Maximum care should be taken to retain trees between the crane site and property line. (See Section 400).



8. Worcester County Permits. A copy of the approved Worcester County Building Permit is required at the time of plan submittal. Worcester County Building Permit information is available at the Worcester County Department of Development Review and Permitting in Snow Hill, MD.

**D. Lot Ownership and OPA Assessments Paid.** Before an application for any permit can be approved and plans released, OPA records must indicate that the property is owned by the applicant and all monies owed to the Ocean Pines Association by the owner must be paid in full. Proof of ownership may be necessary before plan approval. The owners may authorize a builder holding a currently valid Maryland Home Improvement license to act on their behalf to submit plans or changes to the CPI Department for approval until such time as the owner advises the CPI Department otherwise.

**E. Approval/Disapproval.** In accordance with the Declarations of Restrictions, all plans shall be approved or disapproved within thirty (30) days from their receipt unless an extension is granted by the CPI Department.

**F. Improvements on Undeveloped (Vacant) Lots** – Improvements on vacant lots, other than docks on adjacent lots with the same ownership, are prohibited until a permit for construction of a dwelling has been issued. A lot is considered undeveloped until it has been improved with a residential dwelling unit. (See Section 200.6 C8 for additional information)

### **Section 200.3 Additions/Alterations to Existing Houses.**

**A. General.** All plans and specifications for any structure or improvement whatsoever to be erected on or moved upon or to any lot, the proposed location thereof on any lot or lots, the construction material, the roofs and exterior color schemes, any later changes or additions after initial approval thereof and any remodeling, reconstruction, alterations, or additions thereto on any lot shall be subject to and shall require approval of the ARC in writing, as the same is from time to time composed before any such work is commenced. Homeowners should be aware that Maryland law requires that a contractor performing home improvement work, as defined in Maryland law, must have a currently valid Maryland Home Improvement license and or a Maryland Homebuilders License, and the license number shall be included on the application.

**B. Design Requirements.** All exterior materials, roof slopes and colors of exterior walls and roof shall be the same as that of the existing house and roof. While it is desirable materials and colors of the exterior walls and roof shall be the same as that of the house, it is to be understood that because of the effects of nature, time or the availability of existing materials, exact matches may not be possible. However, when exact matches are not possible it is required that the proposed colors be

submitted to the ARC for approval. Minimum roof pitch of 2:12 is required. Exceptions for new materials may be approved if all blend together as one single architectural unit (see Section 300). Landscaping is required to screen all foundation work and all decks and screened porches which are 18 inches or more above ground level (see Section 400).

C. **Information Required.** See Section 200.2 C.

#### **Section 200.4 Outbuildings and Other Structures.**

A. **Placement and Design.** The placement and design of outbuildings and other accessory structures on any numbered lot in Ocean Pines requires an ARC permit, review and approval. These structures include, but are not limited to sheds, playhouses, carports, gazebos, fences, walls, detached garages, any type of play equipment, swimming pools, permanent fire pits (not portable), free standing decks and any structures attached to the ground with any type of foundation. These structures as well as all play and sports equipment (except basketball goals) must be located behind the front foundation lines of the primary structure. Neither portable nor permanent basketball goals may be placed in a street or within fifteen (15) feet from the street edge. Only commercially manufactured portable goals are permitted. Note: Homeowners should be aware that Maryland law requires that a contractor performing this home improvement work, as defined in Maryland law, must have a currently valid Maryland Home Improvement license and or a Maryland Homebuilders License .

If sufficient detail is not shown on the survey/site plan submitted, permit approval could include the submission of a current survey, performed by a licensed surveyor, that shows the existing As-Built conditions and measurements of a property, such as boundaries, easements, encroachments, monuments, paving, hardscaping and lot coverage calculations, Surveys showing a proposed dwelling to be built will require an updated survey. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

1. Unless otherwise stated, Outbuildings and Other Structures must be located behind the front foundation line, within side Building Restrictions Lines and no closer than ten (10) feet from the rear property line or no closer than fifteen (15) feet from a bulkhead, which is a Critical Buffer Area.

2. Any Outbuilding or Other Structure is prohibited from being placed in, or attached to, a tree in any way.

B. **Sheds.** The procedure for submitting plans to locate or construct a shed in Ocean Pines is the same as that outlined in Section 200.2 C. In addition, the following restrictions apply:

1. Sheds shall be limited to one per lot and be no larger than one hundred and forty-four (144) square feet maximum in floor area. The maximum wall height will be eight (8) feet. Two-story sheds are prohibited.

2. While it is desirable that the materials and colors of the exterior walls and roof be the same as that of the house, it is to be understood that because of nature, time or the availability of existing materials, exact matches may not be possible. However, when exact matches are not possible it is required that the proposed colors be submitted to the ARC for approval. Metal sheds are prohibited on residential lots. Any acceptable material used should be able to withstand a marine climate.

3. Shed roof pitches: no flat or single sloped roof styles will be allowed. The roof pitch should be no less than 4:12.

4. A shed shall not be located any closer than six (6) feet from any other structure or the side property line. Should any portion of the outbuilding be within the rear setback, Worcester County Development Review and Permits (410-632-1200) will determine the side setback location. The shed shall be no closer than ten (10) feet from the rear property line and fifteen (15) feet from the bulkhead. Sheds shall be located behind the front foundation line of the main structure.

**C. Playhouse** – There are two basic types of playhouses, those that are not permanently attached to the ground and are easily moved, which do not require a permit, and those which are permanently attached to the ground by use of some type of foundation and are not easily moved. Permanently attached playhouses require a permit from Ocean Pines. No playhouse may be attached to a tree in any way. Treehouses are prohibited.

**D. Storage Units** - Storage units shall be limited to two units per lot and be less than twenty (20) sq. ft. in floor area and seventy-eight (78) inches or less in height. A permit is required.

1. Metal storage units are prohibited on residential property. Storage unit material should be able to withstand a marine environment.

2. If possible, storage units should be placed against the rear surface of the main structure.

3. No storage units are allowed in front of the main structure foundation lines.

4. The color requirements, specified in Section 200.3.B also apply for storage units.

**E. Detached Garages.** The procedure for submitting plans to construct a detached garage is the same as that outlined in Section 200.2.C. The following restrictions also apply:

1. It shall be architecturally compatible with that of the house, including height, materials, color, roof style and pitch.
2. It shall have a foundation and a concrete floor, sloped according to applicable code, and be not less than a one-car design (twelve (12) feet by twenty (20) feet), but not greater than a two-car design (twenty-four (24) feet by twenty-eight (28) feet).
3. It shall have a connecting, usable driveway. The minimum width for a driveway shall be eleven (11) feet in accordance with the Architectural Graphic Standard. (See Section 300.2.J. for driveway specifications).
4. A detached garage shall not be located any closer than six (6) feet from any other structure. Garages located behind the house shall not be less than six (6) feet from the side property line, ten (10) feet from the rear property line, and fifteen (15) feet from the bulkhead, provided the garage is located outside the rear building restriction line in its entirety. Should any portion of the garage be located within the rear setback, Worcester County Zoning will determine the side setback location. Garages located in front of the main structure shall be within the side and front building restriction lines.

**F. Detached Carports.** The procedure for submitting plans to construct detached carports (see definition in the Glossary) in Ocean Pines is the same as that outlined in Section 200.2.C. The following restrictions also apply:

1. It shall be architecturally compatible to the house, including height, materials, color and roof style pitch. At a minimum, it shall have a floor of stone. It will be erected in a fixed location, attached to the ground with some type of foundation.
2. It shall be not less than twelve (12) feet by twenty (20) feet but not greater than twenty-four (24) feet by twenty-eight (28) feet in size.
3. It shall have a connecting, usable driveway. The minimum width for a driveway shall be eleven (11) feet (See Section 300.2.J. for driveway specifications).
4. It shall not be located within six (6) feet from any other structure. Carports located behind the house shall not be less than six (6) feet from the side property line, ten (10) feet from the rear property line, and fifteen (15) feet from the bulkhead, provided the carport is located outside the rear building restriction line in its entirety. Should any portion of the carport be located within the rear setback,

Worcester County Zoning will determine the side setback location. Carports located in front of the main structure shall be within the side and front building restriction lines.

G. **Fire Pits.** The Declarations of Restrictions in all sections of Ocean Pines prohibit outside burning of wood, leaves, trash and garbage. However, Ocean Pines believes when properly installed, safely used and subject to appropriate guidelines for their use, a self-contained, wood burning fire pit present minimal risk to the Community. Therefore, wood burning fire pits will be exempt from the outdoor burning restriction. Homeowners must be aware that failure to strictly adhere to these requirements will result in the revocation of their use of, and the removal of, their Fire Pit. The following requirements will apply:

1. All Fire Pits must be approved by CPI prior to their use. If a Fire Pit is to be permanently installed it must be done so using materials approved for its purpose. A permanently installed Fire Pit will require an appropriate permit. It must be shown on the lot survey and conform to the location requirements in Paragraph 7 below. A portable Fire Pit is considered personal property and does not require a permit. However, The Association must be made aware of the existence of any newly purchased portable Fire Pit. Portable Fire Pits must be UL approved. Homemade portable Fire Pits are prohibited. The homeowner must follow the same steps required to grandfather a previously existing Fire Pit to authorize its use.

2. Pre-existing Fire Pits are not exempt from these guidelines and can be grandfathered provided the following procedure is followed:

a. Grandfathering of Existing Wood Burning Fire Pit.

i) The Homeowner must notify the CPI Department of the existence of a Fire Pit on their property.

ii) The notification must contain the property address and a photo of the Fire Pit.

iii) A representative of the CPI Department will come and inspect the Fire Pit to determine if it can be safely used.

iv) The CPI Department will respond with a letter acknowledging the Fire Pit has been grandfathered.

3. The only fuel allowed to be burned in a wood burning Fire Pit is dry seasoned hardwood or charcoal. Pine cannot be burned.

4. Wood burning Fire Pits must always use a mesh spark screen. Wood burning Fire Pits cannot be any larger than two (2) feet in diameter and three (3) feet in height. It may be filled only up to a maximum of 70% of their capacity.

5. The only fuels allowed to be burned in a gas Fire Pit are propane gas or natural gas. If the fuel source cannot be concealed within the unit, it must be appropriately screened as determined by CPI.

6. A Fire Pit shall not be located closer than ten (10) feet from any other structure, not less than six (6) feet from the side property line, and if permanently installed, not less than ten (10) feet from the rear property line or fifteen (15) feet from the bulkhead. All Fire Pits must have at least ten (10) feet of clearance from overhead branches and cannot be placed under a covered porch.

7. An area at least four (4) feet wide around the entire Fire Pit must be kept free of all flammable material.

8. Fire Pits must be placed on a level brick, stone, concrete or other non-combustible surface.

9. The use of any type of accelerant (lighter fluid, gasoline, etc.) as a fire starter is prohibited. If paper is used it must be weighed down by the wood.

10. There must be a steady supply of water (for wood burning Fire Pits) or an appropriately rated fire extinguisher or other extinguishing device nearby for all Fire Pits.

11. An adult must always be present.

12. Burning of plastic, painted or treated wood, rubber, leaves, grass, pallets or household trash is prohibited.

13. Fire Pits may not be used in wind over fifteen (15) miles per hour or during declared drought conditions.

14. The homeowner should notify their homeowner's insurance company of the existence of a Fire Pit.

**H. Greenhouses** – Portable mini-greenhouses or cold frames, no more than four (4) feet tall, may be used during the colder months, but not before November 15<sup>th</sup>, to protect plants from freezing and will not require a permit. A request for anything larger will require the approval of an exception by ARC and a permit issued by CPI. These must be removed once the weather is more conducive to plant survival, but no later than May 15<sup>th</sup>.

**I. Walls** – Materials for all walls must be either wood, brick or stone and cannot enclose an area. It is the homeowner's responsibility to maintain the upkeep of any walls on their property. All walls will require an inspection by CPI prior to approval. The wall must be shown on the site plan indicating the effect on drainage. A permit from ARC must be issued prior to installation.

## **Section 200.5 Fencing**

**A. General.** The ARC shall have the authority to set up regulations as to the height and size requirements for all other types of outbuildings and structures, including fences, walls, copings, etc. No fences shall be permitted on any lot or lot line except where, in the opinion of the ARC, a fence, wall, other structure or aesthetic feature of a design concept, will contribute to and be in keeping with the character of the area and will not disturb or alter natural drainage.

Any fencing constructed of metal posts, metal rails, chain link or wire mesh is prohibited. Split rail fences cannot be enclosed with wire mesh, plastic mesh, chain link or any other type of material.

If sufficient detail is not shown on the survey/site plan submitted, permit approval could include submission of a current survey, performed by a licensed surveyor, that shows the existing As-Built conditions and measurements of a property, such as boundaries, easements, encroachments, monuments, paving, hardscaping and lot coverage calculations. Surveys showing a proposed dwelling to be built will require an updated survey. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

**B. Fenced Enclosures.** The ARC is authorized to allow the construction of these structures with the following guidelines:

1. The enclosure design must be architecturally and aesthetically compatible with the house.
2. The enclosure shall be behind the front foundation line of the main structure and shall not extend beyond the side BRL (Building Restriction Line) as shown on the property survey, or closer than ten (10) feet from the rear property line. Enclosures will be located no closer than fifteen (15) feet to the bulkhead cap.
3. The enclosure cannot be higher than 48 inches in total, including any lattice or decorative treatment.
4. The outside perimeter shall have shrubs or plantings enough to screen the enclosure. Plantings every three feet with a minimum height of eighteen (18) inches for a 4-foot-high fence will be appropriate. This will be determined by the ARC on a case-by-case basis. If an enclosure is not screened within one year after approval or the plantings are not perpetually maintained, the enclosure must be removed. Landscape screening will be mandatory for all fences regardless of height unless otherwise approved by ARC.
5. If at any time the enclosure falls into disrepair, it must be removed at the owner's expense within sixty (60) days. This requirement will be considered part of the signed permit, whether written or unwritten.

6. The enclosure must be completed within six months of approval (issuance of permit) and the required screening of the enclosure from view must be completed within an additional six months.

7. The following shall be submitted to the ARC:

a) A filing fee and a review/inspection fee.

b) A Completion Agreement and deposit to accompany the Completion Agreement assuring that the construction will comply with the objectives and requirements as stated in the Declarations of Restrictions and the ARC Guidelines. The completion deposit is refundable upon final inspection and approval of the fencing and landscaping by the CPI Department.

c) Two (2) completed copies of the "Application for Fencing" (forms available at the CPI Department office).

d) Two (2) copies of a site plan, as described in Section 200.2.C3, showing the proposed location of the enclosure and the types and locations of plantings outside of the enclosure.

**C. Dog Runs.** The ARC is authorized to allow pre-manufactured dog run's up to 72 square feet in area and six (6) feet in height. Dog Runs cannot be made of metal. Dog Runs will only be considered on a case-by-case basis as an Exception to the Guidelines. If approved:

1. The dog run shall be behind the front foundation line of the main structure and shall not extend beyond the side BRL (Building Restriction Line) as shown on the property survey, or closer than ten (10) feet from the rear property line. Dog runs will be located no closer than fifteen (15) feet to the bulkhead cap.

2. The outside perimeter shall have shrubs or plantings enough to screen the enclosure. Plantings every three (3) feet with a minimum height of thirty (30) inches for a 6-foot-high fence will be appropriate. This will be determined by the ARC on a case-by-case basis. If a dog run is not screened within one year after approval or the plantings are not perpetually maintained, the dog run must be removed.

3. If at any time the dog run falls into disrepair, the owner must remove it at his expense within sixty (60) days. This agreement will be part of the signed permit. The dog run must be completed construction within six months of approval (issuance of permit) and the required screening of the dog run from view must be completed within an additional six months.

4. Submissions required for ARC review are the same as in Section 200.5.B.7, except the form is for Dog Run.



**D. Privacy Fencing.** A privacy fence will be permitted provided the following guidelines are met.

1. The design must be architecturally and aesthetically compatible with the house.

2. The maximum height of the privacy fence at any point shall not exceed six (6) feet from the ground directly below.

3. The total length of the privacy fence shall not exceed twenty-four (24) feet and must be contiguous. Completely enclosing an area with a six-foot Privacy Fence is prohibited.

4. The privacy fence shall be behind the front foundation line must not extend beyond the side BRL (Building Restriction Line) as shown on the property survey, be placed no closer than ten (10) feet from rear property line or no closer than fifteen (15) feet to the bulkhead.

5. Privacy fencing located within the utility easement will require the owner to sign a maintenance agreement with the OPA. The cost of recording the agreement will be borne totally by the property owner.

6. The location of the privacy fence shall not block the adjoining property owners' view of a golf course or waterway. The outside perimeter shall have shrubs or plantings enough to screen the fence. Landscape screening will be mandatory. Generally, planting every three (3) feet with a minimum height of thirty (30) inches for a 6-foot-high fence is appropriate. This will be determined by the ARC on a case-by-case basis. If a fence is not screened within one year after approval or the plantings are not perpetually maintained, the fence must be removed. The fence must be completed within six months of approval (issuance of permit) and the required screening of the fence from view must be completed within an additional six months.

7. Submissions required for ARC review are the same as in Section 200.5.B.7, except the form is for Privacy Fence.

**E. Temporary Fencing.** Temporary Fencing will only be allowed to be erected around vegetable gardens and newly landscaped areas provided the following guidelines are met. No permit is required. Any other use of temporary fencing is prohibited.

1. At no point shall any part of the fence exceed two feet above the ground.

2. The fencing will be removed after the completion of the vegetable growing season and/or the newly landscaped area is established.

3. Temporary fences may be made from vinyl coated wire.

**F. Architectural Fencing.** Architectural fencing is permitted provided the guidelines below are followed. Architectural fencing is not to be used as an enclosure for pets or children.

1. At no point shall any part of the fence exceed four (4) feet from the ground.
2. The design must be architecturally compatible with the residence using style, color and details.
3. No gates/fencing will be allowed to cross a driveway.
4. Fencing located within a utility easement will require the owner to sign a maintenance agreement with OPA. The cost of recording the agreement will be borne totally by the property owner.
5. Fencing must not extend beyond the side BRL (Building Restriction Line) as shown on the property survey, or closer than ten (10) feet from the rear property line or fifteen (15) feet from the bulkhead. Front setbacks will be determined by the ARC but shall be at least ten (10) from the roadway.
6. Submissions required for ARC review are the same as in Section 200.5.B.7, except the form is for Architectural Fence).

### **Section 200.6 Docks/Lifts.**

**A. General.** Whenever the ARC shall approve plans and specifications for a pier or similar structure on or extending into any waterway, such approval shall constitute a mere revocable privilege from Declarant or its successor or successors in interest for the construction, placement and maintenance of the proposed structure. Only contractors possessing all required valid licensing are allowed to install docks and lifts. Proof of licensing, including the Maryland Marine Registration ID Number, and insurance will be required. Other approvals may be required from the Maryland Department of Natural Resources, Maryland Department of the Environment, the Army Corp of Engineers, Worcester County Shoreline Commission, and the Worcester County Department of Environmental Programs. Docks and other devices are approved on an individual basis and consideration is given to the protection of bulkheads and marine traffic.

**B. Objective.** To allow waterfront property owners reasonable use of riparian rights, to provide for the navigation of all marine traffic and to keep the environmental and visual impact to a minimum.

**C. Requirements.** Where possible, all docks/piers/lifts/davits should be centered on the bulkheaded waterfront. All docks/piers/lifts/davits must be located

within the dimensions of the side BRLs (Building Restriction Line) as shown on the property survey, of the property as extended to the waterfront.

1. Impact on adjacent properties. No dock, lift, out piling, etc. shall unreasonably limit the navigation or mooring ability of surrounding waterfront properties.

2. No dock/pier shall exceed two hundred (200) square feet in area. This limitation includes both fixed and floating docks.

3. Number of boat lifts/davits. Only one boat lift per lot is allowed with bulkhead length of one hundred (100) feet or less. An additional boat lift for lots with one hundred (100) feet or less of bulkhead may be considered where finger piers are utilized, with proper approval and within the required side lot BRL. A maximum of two boat lifts are allowed for lots with over one hundred (100) feet of bulkhead. Only one davit per waterfront lot shall be allowed except two are allowed when used as a boat lift. The use of two davits will count as one of the boat lifts.

4. Personal Watercraft (PWC). Two personal watercraft lifts, each with one PWC capacity, or one lift with a two PWC capacity, may be approved. The personal watercraft lifts may not be used to store a boat.

5. Dock Box. One dock box of a size the same as or smaller than six (6) feet wide, thirty (30) inches deep and thirty (30) inches tall can be affixed to the dock. A dock box is not included in the restriction for sheds or storage structures contained in Section 200.4.

6. Walkways. In areas where bulkheads are formally scheduled to be replaced, a walkway not to exceed three (3) feet in length is allowed. This walkway will not be included in the two hundred (200) square feet dock area limit. In areas where walkways are needed over wetlands the length will be limited to the minimum needed to access the dock and will not exceed three (3) feet in width. Consideration will be given to the permit issued by the Army Corps of Engineers or the Maryland Department of the Environment only for the allowable length of walkway over wetlands or the distance allowed to reach adequate water depth.

7. Extension into Canal. On canals over eighty (80) feet wide, structures measured laterally from any bulkheaded lot to the center of the canal cannot exceed twenty-five percent (25%) of the total canal width. This will include any out pilings, lifts or beam width of anticipated boats for mooring purposes. On canals less than eighty (80) feet wide, a distance of at least twenty (20) feet from the center of the canal measured laterally to the bulkheads on either side must be left open for navigation, creating a minimum center clear canal distance of forty (40) feet.

8. Secondary Use. Boathouses, tents or other structures on docks or over boats are prohibited. Docks will only be considered for undeveloped lots if plans for the house are in the working stages with the ARC. If house construction is not completed within one year from dock approval, the dock must be removed at the owner's expense. Also, a limited variance to construct a dock, lift, etc. may be granted to an owner whose principal residence is on a lot adjoining the unimproved property upon which the construction of the dock, lift, etc. is sought. The variance will stipulate that if the unimproved property is sold, the dock, lift, etc. will be removed by the new owner, unless house construction has started within one (1) year from the date of sale.

**D. Bulkhead Restrictions.** The following regulations apply to all docks (stationary or floating) and other types of mooring devices.

1. No attachments to the bulkhead system are permitted. This includes, but is not limited to, davits, piers, docks, decking and other devices such as cleats and standoff systems. No construction is permitted to be attached to, rest on or cover the bulkhead.

2. Boats, floating docks or barges shall not be moored to bulkhead caps, pilings, sheeting or waters, or to stakes, trees or any in-ground devices which inflict any stress, load or force on the bulkhead system. Also, no boat as defined herein shall be launched or retrieved over the bulkhead cap.

3. Anchor systems for floating docks, davits or other devices shall be designed and constructed to provide their own foundations which will not inflict any load or forces on the bulkhead system.

4. Piers, docks and other devices or structures for mooring, securing and boarding boats shall be constructed to be completely free of the bulkhead system to not inflict any load or force even if such structures incur damage by freezing, flood or collision.

5. Floating docks may have ladders, steps or ramps which are affixed to the dock or behind the bulkhead at one end and provided with an approved slide/rolling device on the other end which would prevent damage to the bulkhead system.

**E. Documents Required for ARC Review.** See Section 200.2.B, except the form is for Docks.

### **Section 300. Specific Design Requirements and Plan Review**

**Section 300.1. General.** Building location, configuration, architectural design, materials and colors shall be harmonious with the established Ocean Pines

environment. Homes which appear to be tract type dwellings in character or design are prohibited.

**Section 300.2. Design Requirements.**

A. **Similarity.** Repetitive style plans or plans with only minor variations, located within three across the street, one on either side and one behind of one another are prohibited. Styles repeated in one section whether by one builder or other builders will be limited in number. Separations of design are necessary to maintain values of the property by preventing a tract appearance.

B. **Minimum Floor Elevations.**

1. The lowest habitable floor level of all residential structures shall have a minimum elevation of seven (7) feet above mean sea level. Any variance to this minimum elevation must be approved by the Worcester County Department of Development Review and Permitting.
2. The Worcester County Department of Water and Wastewater Services requires the elevation of any floor with plumbing drainage to be no less than 2.0 feet above the top of the holding tank riser for existing tanks or 2.5 feet above ground level at the tank location staked by the utility for future tanks. Property owners are responsible for compliance in maintaining the elevation differential described herein to insure proper drainage to the holding tank.
3. The Worcester County Department of Water and Wastewater Services may grant a variance to the minimum floor elevations with plumbing drainage below the top of the holding tank riser. Such a variance will require a vented sump and ejector to discharge into the building gravity drainage and shall meet all appropriate State of Maryland plumbing codes.

C. **Roofs.**

1. **Pitch.** Roofs on the main building shall have a minimum pitch of 4:12. Permission may be granted for pitches to a minimum of 2:12 for secondary roofs on the main building.
2. **Overhang.** Overhangs shall be a minimum of twelve inches on the soffit and 12 inches on the gable ends and be aesthetically and architecturally in keeping with the structure.
3. **Material.** Roofs shall be covered with materials that are harmonious with the surroundings and in architectural keeping with the style of the house.

D. **Design Features.** Homes that are strictly rectangular are prohibited. To obtain the relief required on any strict rectangular house with continuous flat walls, the architect, builder or home manufacturer will be expected to develop innovative

ideas to improve the appearance of such homes. When the narrow dimension of the house faces the street due to the limitation of placing the house across the lot, the house wall plane dimension shall not be less than twenty-four (24) feet, exclusive of wing walls or other architectural treatments. Addition of a roofed over functional space, such as another roof, a screened porch, a carport, etc., would be acceptable in improving the appearance of strictly rectangular homes, provided the addition did not create a similar condition with an existing home within three across the street, one on either side, and one behind.

**E. Variations for Rectangular Homes.** Variations or combinations of variations may be used in the elevations to provide an appearance of integrated exterior wall and/or roof relief. Variations that may be used are listed below. The front elevation of the proposed house design must have at least one major and one minor variation.

1. Major Variations:
  - a) Two feet or more wall break
  - b) Covered front entrance or porch with a minimum size of four feet by ten feet
  - c) One foot or more break in the roof or wall
  - d) Combination of a gable roof with a hip roof
2. Minor Variations:
  - a) Bay window or wall bay
  - b) Wall bay roofed over
  - c) An added deck with hand railing
  - d) Variation in siding materials and color
  - e) Window treatments such as panels or shutters

**F. Exterior Building Materials.**

1. Material. Exterior building materials should be harmonious to Ocean Pines settings. All exposed wood surfaces shall be preserved with stain or paint or be clad with vinyl or aluminum. All exterior finishes to be used will be reviewed by the CPI Department for each individual site.

2. Foundation Parging. All concrete block foundations must have cement parging applied.

3. Windows/Awnings. Window design should be suitable for the climate and for the orientation of the building elevation in which the windows are

located. Large windows are recommended linking interior and exterior spaces. Awnings should be used only when shown to be harmonious with architecture and landscape. Awnings added after final inspection will require a separate permit from the ARC.

4. Colors. Soft natural colors and white are permitted for siding. Non-natural bright colors may be used for doors or accent panels only and then sparingly. Colors shall be restricted to those which in the opinion of the ARC harmonize with the surrounding area. A color may not be used if it duplicates the color of an existing house within three across the street, one on either side and one behind. Exposed metal flashing or trim should be anodized or painted to be non-reflective, and in harmony with the house colors.

5. Exterior Lighting. Exterior lighting shall be used primarily to make safe entry and exit possible rather than highlighting the building. The lighting system shall be designed to show suitable restraint and concern for the impact of the design on neighboring properties. The objective is to eliminate glare and annoyance to adjacent property owners and passersby.

**H. Liquefied Petroleum Gas/Fuel Storage (LPG).** – A permit is required from Ocean Pines prior to installation.

1. Storage Tanks. A maximum of two (2) one hundred-twenty (120) gallon cylinders are allowed.

2. Screening. Tanks for the storage of fuel (gas, oil, etc.) must be screened by fencing/lattice or shrubbery of the evergreen variety.

**I. Fifteen (15) Foot Bulkhead Maintenance Easement.** For all lots where the property lines extend to or beyond the bulkhead, a fifteen (15) foot maintenance easement has been established. This easement extends fifteen (15) feet inward from the land side of the bulkhead cap. This area is also a Critical Area Buffer, which carries significantly more weight than a typical maintenance easement.

**J. Driveways.** Driveways and parking areas shall have a minimum coverage of three (3) inches of gravel or crushed stone. Retainers of pressure-treated lumber or other suitable material shall be required bordering gravel or crushed stone driveways and shall be securely anchored. A permit is required from Ocean Pines prior to installation or increase to the paved area. Worcester County Department of Environmental Programs must review all planned driveway improvements prior to work being started and before Ocean Pines will issue a permit for work to begin. (Refer to Section 200.2 Plan Review, for details of the items that need to be submitted for approval)

**K. Alternative Energy Source Design.** The construction of any Alternative Energy System must comply with applicable State and County Codes and will require a permit from Ocean Pines. When considering a request, ARC's emphasis will be placed on the necessary size of the system and its location and manner of placement, preferring flush-roof mounts in locations as close to the rear of the house as possible with wiring and other components concealed as much as possible.

**Section 300.3 Procedures.** See Section 200 for detailed procedures.

**A. CPI Department Review.** Plans along with the appropriate application must be submitted to the CPI for approval. Prior to approval of the plans, members of the CPI Department will visit the site and review the plans for compliance with the requirements of these guidelines. In accordance with the Declarations of Restrictions, approval or disapproval will be given within thirty (30) days after receipt of a properly completed application (including plans).

**B. Letter of ARC Approval/Disapproval.** For new homes, copies of pertinent documents will be returned to the owner or builder with either a letter of approval or disapproval.

#### **Section 400. Landscaping**

**Section 400.1 Objective.** The primary objective of the landscaping requirements is to preserve the natural beauty of Ocean Pines. The removal of existing natural native trees and plants and the final landscaping are of prime concern.

**Section 400.2 Landscape Plan.** In accordance with Section 200.2.B4 of these Guidelines, a landscaping plan shall be submitted with all house plan applications. The landscaping plan shall be drawn to a scale of 1" = 30' or 1" = 20' and shall include the following:

- A.** The final location of the house and outbuildings.
- B.** The final location of the driveway, parking areas and walks.
- C.** The general location of existing undisturbed groups of trees and other undisturbed vegetation.
- D.** The location and design of the proposed landscaped areas, including the varieties and sizes of plant materials shall be shown. Annuals and perennials that die back each fall shall not be a part of the permanent landscaping plan. Landscaping shall be provided along all street sides and rear, and side foundations facing the golf course or waterfront. All raised decks and porches require landscaping. Shrubbery planted as screening must be of an evergreen variety. Lattice or planking may be substituted for shrubbery. Landscaping is recommended around the balance of the



foundation, deck, and porch. Any bare lands shall be mulched, seeded or sodded. Leaves are not considered to be acceptable ground cover.

**Section 400.3 Requirements.**

A. **Plant Removal.** Upon approval of the house plans for new construction, the contractor shall clearly mark all trees and natural planting planned for removal. The CPI Department shall be notified forty-eight (48) hours prior to commencement of lot clearing. Authorized removal may necessitate replanting requirements as found in Section 400.3C.

1. **Limit of Clearing.** Unrestricted removal of trees, shrubs, and other plant material shall be limited to ten (10) feet from the house or garage foundation and within three (3) feet of the driveway (the limit of clearing). Removal of any trees more than six (6) inches in diameter, measured thirty-six (36) inches from the base of the tree. Protected plants include native Magnolia, Holly, Bayberry, and Laurel. Protected plants which are located outside the limit of clearing shall require approval from CPI. Acceptable reasons for removal of protected plants include diseased plants and those causing danger because of leaning or impairment of vision for driving or for other reasonable health and safety concerns. All stumps of plants felled must be removed or cut flush with the ground; under no circumstances are any stumps permitted to remain within or under the foundation or in driveways.

2. **Plant Removal in Open Areas.** On lots where trees are all smaller than six (6) inches in diameter and outside of the limit of clearing the preservation of some trees shall be required as determined by the CPI Department. Builders/owners shall be required to replace vegetation destroyed that was not officially approved for destruction. (See Section 400.3. A5 for waterfront lot requirements).

3. **Plant Removal from Existing Homes.** A permit is required from the CPI Department for removal of tree(s) of six (6) inches diameter or greater and any native Magnolia, Holly, Bayberry, or Laurel. Approval for tree removal outside of ten feet (10) of the foundation, or outside three feet (3) of the driveway, will only be given if the tree meets one or more of the following criteria: dead/dying, diseased/rotting, storm damage, dangerous tree, or if the tree is causing damage to the bulkhead or utility lines, or for other reasonable health and safety concerns.

4. **Clearing for Modular Homes.** When houses are to be installed in large sections by use of cranes or trailers, an installation plan shall be submitted in accordance with these Guidelines indicating the area to be cleared. Every effort should be made to site the location of the house in such a way as to maintain tree and/or shrubs along the front property line. If, in the opinion of the CPI Department, the installation plan indicates the removal of an excessive number of healthy trees is

deemed to be destructive to the natural beauty of the site and/or the adjoining areas, construction will not be approved.

5. Clearing of Waterfront Lots. The area within one hundred (100) feet of the water is considered a Critical Area. Removal of trees and other plantings from a waterfront lot within this Area requires approval from Worcester County Department of Environmental Programs, which will also include their requirements for any replanting, if any. The CPI Department will require notification that the County inspection has been completed along with a copy of any County required replanting report prior to making their final inspection for the Association.

**B. Permit Process for the Removal of Trees**

Only the property owner can complete the application for the removal of trees and submit it to CPI, as the form must be signed only by the property owner only. Only after CPI has inspected the property and marked all the trees authorized to be removed will a permit be issued to the property owner, who must appear to pick up the permit. The permit must be prominently displayed in any front window of the home. Any trees removed without complete compliance with this procedure will result in a violation for unauthorized removal and may require re-planting as determined by CPI in its sole and absolute discretion.

**C. Unauthorized Tree Removal.** Any tree six (6) inches in diameter/caliper or greater that is removed without CPI Department approval must be replaced by a tree(s) of the same species, or another species approved by the CPI Department. The CPI Department has adopted the same policy used by Worcester County and the Atlantic Coastal Bays Critical Area. The following chart establishes the replanting requirement using a system of credit points for each category.

TREESH SIZE REMOVED	RUB MITIGATION CREDIT PER TREE/SHRUB	MINIMUM PLANTING SIZE REPLACED
Large Tree	200	6' in height, or 2" caliper
Small Tree	100	6' in height, or 1/4" caliper
Large Shrub	75	3 gallons
Small Shrub	50	3 gallons

**D. Trimming.** Trimming of all trees is permitted provided the trimming does not exceed one third of the foliage or limbs over any five-year period. All companies conducting such work must be licensed as an "Arborist" or "Tree Expert" as defined by the Maryland Department of Natural Resources and licensed by the State of Maryland. Should it be determined that trimming more than that described herein causes a tree to die, CPI will require the tree to be replaced by the same species

and of a size as described in Section 400.3.C. If, however, the tree dies because of disease, then the owner of the property is not obligated to replace it with one of the same species. A permit application must be submitted that includes the license number of the contractor performing the work and a permit must be obtained from the ARC prior to commencement of work.

**E. Fill and Grading on Lots.** Fill up to twelve (12) inches, on average, or to the depth allowed by local authorities, whichever is less, of the average grade of the lot will be allowed without prior approval of the CPI. Runoff should be diverted into ditches or waterways without crossing adjacent lots. A fill and grade plan will be required and must indicate how water and sediment will be controlled during construction and at final grade. A special permit may be required from the Worcester County Soil Conservation District, dependent upon location and amount of material to control surface drainage to prevent erosion of bare lands. No fill or grading can disturb any wetland areas without the prior approval of the Maryland Department of the Environment (MDE).

**F. Plantings.**

1. Plantings shall be shrubbery of the evergreen variety and a minimum of eighteen (18) inches high. Shrubby shall be spaced no more than three (3) feet apart to provide continuity.

2. Landscaping may include plantings, planters, stones, mulch and chips, berms, seeding, shallow ponds, and walk edging.

3. Landscaping shall be maintained in a pleasing manner and replaced when needed. If not maintained, the Association reserves the right to perform such maintenance and recover applicable costs from the homeowner.

4. Any planting with a root system that could damage the bulkhead is prohibited in the fifteen (15) foot bulkhead maintenance easement, which is also a Critical Area Buffer. Any tree, bush, shrub, or other planting of any variety with a mature height greater than four (4) feet are prohibited from being planted within the Critical Buffer Area.

5. Permanent improvements such as concrete walkways, impervious hardscape, patios, or any type of structure are prohibited from being placed within the fifteen (15) foot maintenance easement/Critical Area Buffer.

**Section 500. Requirements After Plan Approval**

**Section 500.1 Requirements During Construction.** After approval by the ARC and the subsequent issuance of a building permit by Worcester County, the following requirements shall be met during construction:

**A. Posting Building Permits.** The Construction Approval Permit, issued by CPI and by the ARC, shall always be posted in a conspicuous place in plain sight, on the building site. In addition, if a Worcester County Building Permit is required, the Worcester County Building Permit shall be posted next to the CPI Department permit. If permits are not displayed as required a Stop Work Order will be issued.

**B. Culvert Pipe.** A maximum 24-foot-long, asphalt coated corrugated metal pipe (or equivalent County approved material) culvert shall be installed prior to any lot clearing and start of construction. The diameter of pipe will be determined on a case-by-case basis to assure proper ditch drainage. However, in no case will the culvert pipe have less than a fifteen (15) inch diameter. Exceptions to this are Ocean Pines Sections 14A, 14B, 14C and 14D which have swale drainage across driveways. The invert or bottom shall be located four (4) inches beneath the existing ditch bottom such that drainage in the ditch remains unimpaired. The pipe shall be installed a minimum of five (5) feet from the side property line so as not to interfere with the installation of utilities. The pipe must be covered with twelve (12) inches of Maryland State (Worcester County) specification "A 2-4" or better material (minimum 20% clay). The OPA Public Works Drainage Supervisor and CPI shall be notified forty-eight (48) hours prior to installation to insure setting of pipe at the proper grade level. The homeowner and their contractor are prohibited from installing the culvert pipe. Culvert pipes must be installed, or its installation supervised, by Ocean Pines Department of Public Works. Call 410-641-7425. Only one (1) driveway culvert pipe will be permitted for any lot unless one hundred-twenty (120) feet of road frontage exists, in which case two pipes are allowed. Specific circumstances will be reviewed by the CPI Department for any additional driveways as part of the Variance/Exception process.

**C. As Built Certified Foundation Survey.** After completion of the foundation, the CPI Department shall be furnished with an as-built certified survey of the foundation completed by a licensed surveyor. No further work on the house is to continue until the as-built survey has been accepted by the CPI Department to be in accordance with approved plans. The CPI Department shall complete this review within two working days after the survey has been received. The ARC may also require an as-built construction survey for those structures located at or near a BRL (Building Restriction Line) as shown on the property survey. In addition, for houses planned to be between 34 feet and 35 feet in height, a final elevation survey is required. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

**D. Trash Containers and Portable Toilets.** The owner or builder shall be required to furnish a commercial trash container and a portable toilet on site but not in

the street right of way. Building sites must be maintained in a neat and orderly fashion.

**E. Change in Plans During Construction.** All changes to the exterior of a structure, parking layout, trees or landscaping to be removed and any other change must receive prior approval from the ARC. Changes proposed during construction shall be submitted in writing and in a revised plan form to CPI for review prior to forwarding to the ARC for consideration and evaluation.

**F. Construction Work Hours.** All construction is limited to the hours between 7:30 am. and 8:30 pm. on weekdays and from 8:00 am. to 5:00 pm. on weekends and holidays.

**Section 500.2 Requirements Before Deposit Money Can Be Refunded.** In addition to the items outlined above, the following must be completed before any money paid as completion deposits will be refunded or issuance of an Occupancy Permit from OPA.

**A. House Number.** The street address house number must be posted to be visible from the street. It may be displayed on the front of the house or on a sign in the front yard (note: the house number is different from the lot and section number and can be obtained from the CPI Department office). House numbers shall not be less than four (4) inches or no greater than ten (10) inches in height, a contrasting color, and visible from the street.

**B. Service Area.** Trash and rubbish containers are required and must be concealed. An enclosed service area, behind the front foundation line and large enough to store two (2) twenty (20) gallon containers for ashes, trash, rubbish or garbage is required. An enclosed garage, shed or utility structure, satisfies this requirement if utilized for this purpose and so noted on the original permit application. The area may also be screened by fencing/lattice or shrubbery of the evergreen variety.

**C. Fuel Storage Tanks.** Tanks for the storage of fuel buried below the surface of the ground shall be noncorrosive. Tanks installed above ground shall be screened by fencing/lattice or shrubbery of the evergreen variety.

**D. Deck Screening.** All raised decks and porches must be screened if the deck/porch opening is eighteen (18) inches or more above ground level. Evergreen plantings placed three (3) feet apart to provide continuity, may be employed provided they screen at least half of the open area (see Section 400.2D). Any planting used must be perpetually maintained. Lattice work is also acceptable and must be maintained.

E. **Property Damage**. During inspections, the CPI Department will monitor any damage to ditches, culverts, median and utility work, or roadway resulting from construction, including any utility work. The cost of repairing any damage will be borne by the lot owner and/or contractor. Before any construction deposit money is returned, these areas will be inspected for any damages or change in elevation occurring during construction.

**Section 500.3 CPI Department Inspections**. All construction is subject to continuing adherence to the ARC Guidelines and the Section's Declaration of Restrictions and will be verified by inspections. CPI inspections are in addition to Worcester County inspections. The inspection by Worcester County will not satisfy the requirement of, or be in lieu of, an inspection by the CPI Department.

A. **Inspection Schedule**. The following inspection schedule will be followed. Failure to conform to this schedule will result in a Stop Work Order and refusal to issue an Occupancy Permit and release any deposit.

1. Contractor/Owner contacts CPI Department office for site inspection. The inspector checks that the permit is posted and checks the lot for proper limit of clearing.
2. Contractor/Owner contacts CPI Department when lot is cleared. The inspector checks that the limit of clearing has not been exceeded and stabilized construction entrances and erosion controls are in place. This inspection must take place at least 48 hours prior to the commencement of lot clearing. (See additional requirements for waterfront lots in Section 400.3 A5).
3. Contractor/Owner contacts CPI Department when the foundation is in place and submits a "Foundation Location Survey". The inspector checks BRL (Building Restriction Line) as shown on the property survey, setbacks, conformance with approved plan, that a commercial trash container is on site for construction debris, that a portable toilet is on site and sited properly and that the foundation is parged.
4. Contractor/Owner contacts CPI Department after framing for color inspection before installing siding. The inspector will check siding for approval with permit and for any changes from approved plans.
5. Contractor/Owner contacts CPI Department for final inspection. The inspector checks: for conformance with approved plans, that driveway retainers are installed, for house number, deck screening, landscaping and ground cover, for ditch damage, for roadside damage, for damage to the median, for road damage and that a service area for two (2) 20-gallon trash containers is installed unless enclosed garage, shed or storage structure will be used for trash containers. The inspector also checks that the culvert pipe elevation has not changed due to construction activity.

**B. "Stop Work" Orders.** Any physical changes, additions, deviations, unsightly construction site, health and safety concerns, or noncompliance in any way or at any time from the Section's Restrictions or ARC Guidelines during construction constitutes a violation and will result in stoppage of all work through the immediate issuance of a "Stop Work" order. The "Stop Work" order will be rescinded when the violation has been corrected and confirmed by an inspection and formal notification.

**C. Construction Start and Completion.** If construction has not started within six months from the approval date, the approval is rescinded, and the complete package must be resubmitted to the CPI Department. Canceled or rescinded plans are retained by the CPI Department for one (1) year, after which they will be cleared from the files. Once construction is started on any lot the improvements, including landscaping, must be complete as to exterior appearance within twelve months from the approval date, at the sole and absolute discretion of CPI. After twelve (12) months, a request for a six (6) month permit renewal may be submitted to the ARC.

#### **Section 500.4 Utilities.**

**A. Easements.** Utility easements five (5) feet in width along each side property line and ten (10) feet in width along the front and rear property lines exist on each lot in Ocean Pines. Although not shown on plats, these easements have been dedicated to the utility companies. Property owners should be aware of these easements and should understand that any construction within the easements require approval by the ARC. (Plantings and landscaping do not require approval). However, landscaping or structures located therein may be subject to damage during the installation of utilities, with the cost of replacement or repair borne by the owner. Property owners may contact the CPI Department to determine if any other easements exist on their lot.

**B. Storm Drainage.** Storm drainage shall not be connected to the sanitary sewer, nor should it be piped directly into a canal, river or bay through the bulkhead wall or over the bulkhead cap.

#### **Section 600. Sign Regulations**

##### **Section 600.1**

**A. General.** Subject to Sections 600.3, 600.4 and 600.5 below, all signs, billboards or advertising structures of any kind are prohibited except upon application to and written permission from the ARC. Flags that may constitute or be considered signs in the reasonably exercised discretion of the CPI Department, based on their content, how they are used, and how they are displayed, are governed and treated as signs under these Regulations.

**B. Intent.** Subject to Sections 600.3, 600.4 and 600.5 below, the ARC will permit temporary signs only if it deems them essential and in the general interest of the community, do not adversely affect property values and strictly adhere to the criteria below.

### **Section 600.2 General Criteria.**

The criteria in this section apply to permitted signs unless otherwise stated in applicable subsections of Section 600.3, Section 600.4, or Section 600.5.

**A. Size.** Signs shall be a maximum of four (4) square feet provided no side shall be greater than 38 inches.

**B. Height.** Signs shall be installed so as not to exceed five (5) feet from ground level to top of sign.

**C. Location.** No sign shall be nailed, or in any way fastened, to trees. All signs shall be located between the front property line and the structure and may be parallel or perpendicular to the street. No signs will be permitted to be placed in the right of way, in easement areas or on any structure owned or operated by the Association.

**D. Materials.** Wood is recommended. However, dependent upon purpose and time span involved, other materials may be considered. In any case, the material must be substantial enough, as determined by the CPI Department, to not fall quickly into a state of disrepair.

**E. Colors.** Preferably, all signs are to have a natural wood or brown background with complimentary color letters.

**F. Wording.** Wording shall be clear and concise and be limited to pertinent information.

**G. Number.** In addition to an address plate, only one (1) sign of any type shall be permitted on any numbered lot.

**H. Placement.** Signs must be placed no sooner than the approved date and removed within three days of the removal date. All placements and removals are the responsibility of the person signing the application.

### **Section 600.3 Specific Sign Criteria.**

**A. Name and/or Address Plate.** A name and/or address plate will be permitted for the purpose of identification of the owner or occupant of a dwelling or building. The sign shall be limited in area to two (2) square feet and may be affixed to a permanent post (i.e., lamp post) or stand on its own, or may be attached to the structure, with no height limitation. These signs shall not require written approval



from the ARC if they conform to the criteria of Section 600.2, as modified by this paragraph.

**B. Construction Sign.** One temporary sign will be permitted for the purpose of identifying the principal contractor or vendor performing improvement or new construction work. Wording is limited to contractor's name, telephone number, logo and MHIC number. Franchises, slogan, addresses, etc. will not be permitted. The sign shall be located behind the front property line. The sign shall not be posted prior to the issuance of the CPI Department construction permit and shall be removed within one (1) week following exterior completion of work (including landscaping), and/or prior to occupancy. In any event the sign shall not be posted for a period longer than one (1) year. The sign shall conform to the criteria as stated in Section 600.2 as modified in this paragraph.

**C. Real Estate Agency Signs.** No real estate agency sign or logo of any type shall be permitted on any numbered lot, in any median strip or elsewhere in Ocean Pines other than Open House signs as described in Section 600.3F below.

**D. Real Estate For Sale or Lease Signs.** A temporary sign limited to one per lot, for the purpose of advertising real estate for sale or lease by owner may be placed on any lot. Wording of such signs is limited to "For Sale by Owner" or "For Rent by Owner" and the "owners" telephone number. These signs shall not require written approval from the ARC if they conform to Section 600.2 as modified by this paragraph.

**E. Real Estate Stakes.** In lieu of real estate agency signs, property corner stakes identifying the agency may be used for the purpose of locating a lot. These stakes shall not be greater than 2" x 2" or 1" x 3". The top shall not be higher than 3' above ground and shall be painted with not more than three colors to identify a realtor. An "Application for Real Estate Stake Approval" shall be submitted to the CPI Department for the purpose of recording color combination to avoid duplication. Applications must be renewed annually. Where such stakes are used, no other identification, such as allowed in Section 600.3D, will be permitted.

**F. Open House Signs.** Builders, owners, and real estate agencies may apply for annual approval of such signs, using the "Open House Sign Application" available at the CPI Department Office. All open house signs must adhere to the general criteria of Section 600.2 as modified by this subsection. The following restrictions

1. All signs shall be self-standing.
2. Signs shall be restricted to the wording "Open House", directional arrows, and the permit number. No advertising matter or logos may appear on the signs. Balloons will not be attached to the signs.

3. One sign may be placed on the median strip of Ocean Parkway at the nearest intersecting road. Other signs may be placed at intersecting roads for the purpose of indicating a change in direction only.

4. Display of signs shall be limited to daylight hours.

**G. Real Estate Flags.** Real Estate flags are not allowed.

**H. Brochure Boxes.** Realtor, Construction Company and/or owner's sales brochures can be placed on properties in brochure boxes. Two designs for the box are approved. One design is similar in size to a straight mailbox and painted to match sign criteria colors (e.g. brown with orange or yellow lettering) or clear. The second design approved for the box is like the type of boxes that are used to hold various newspapers and shall also match the sign criteria colors or be clear. If at any time a brochure box becomes unsightly or a public nuisance, the CPI Department shall have the right to remove the box.

**I. Yard, Garage, Rummage, Etc. Sale Signs.** Signs for yard or garage sales shall be limited for use only on Saturdays and Sundays during the hours of 6:00a.m. to 4:00 p.m. Signs shall conform to the requirements of Section 600.2, as modified by this paragraph, and may not be attached to trees, road signs or any permanent structure. Signs are prohibited on the Route 589 side of the North Gate Bridge. At the South Gate, signs are limited to placement at the intersection of Manklin Creek Road and Ocean Parkway. No signs are permitted on Cathell Road. It is the responsibility of the person or persons that place any signs for yard sales to remove all signs by 5:00 pm. on the last permitted sale date. Yard sales are limited to a total of four (4) per year per developed lot.

**J. Advertising and Direction Signs for Temporary Functions of Community Organizations and Churches.** Any color combination may be used when the sign is four (4) square feet in area, or under. Any sign over four (4) square feet must be approved by the ARC on an individual basis. Signs may be placed on common property and on lots only with the permission of the lot owner. Signs advertising an event may be placed no sooner than three (3) weeks prior to the start of the event. Direction signs may be placed no sooner twenty-four (24) hours prior to the start of the event. All signs must be removed within twenty-four (24) hours after the end of the event. Approval of the ARC is required. Permits may be granted for three (3) consecutive years for an annually recurring event.

**600.4 Political Candidate and Referendum Signs. (See definitions in Glossary)**

**A. Property Owner Approval.** Candidate signs and referendum signs may not be displayed on any developed lot or vacant lot without approval of the property owner.

**B. Common Property.** The Association shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Political signs (candidate signs and referendum signs) and political displays or literature are prohibited from being placed or distributed on or in any property, right-of-way, building, bulletin board, structure, road sign or tree owned by, or under control of the Association.

**C. Time Period.** Subject to the other provisions of this Section 600.4, candidate signs and referendum signs are permitted to be posted on or within Ocean Pines lots/properties which are not owned by the Association, for a period of thirty (30) days immediately prior to the election in which the advertised candidate is running for public office or the advertised referendum question is to be voted upon, and for a period of seven (7) days after the election in which the advertised candidate is running for public office or the advertised referendum question is to be voted upon.

**D. Specifications.** The general criteria set forth in Section 600.2 shall not apply to candidate signs and referendum signs.

**Section 600.5 Ocean Pines Board Candidate and Referendum Signs. (See definitions in Glossary)**

**A. Property Owner Approval.** Board Candidate and Ocean Pines Referendum signs may not be displayed on any developed lot or vacant lot without approval of the property owner.

**B. Specifications.** Board Candidate and Ocean Pines Referendum signs must be in conformance with Section 600.2 but may be in any color or material.

**C. Time Period.** Board Candidate signs and Ocean Pines referendum signs must be taken down within seven (7) days after the election in which the advertised candidate is running or the meeting at which the advertised referendum question is to be voted upon.

**Section 600.6 Unauthorized Signs and Flags.**

**A. Removal of Unauthorized Signs and Flags.** Any sign placed in or upon common elements of the Association and not adhering to the requirements and restrictions of these regulations may be immediately removed by an authorized agent of the Association.

**B. Disposition of Unauthorized Signs Seized by Association.** As to signs seized by the Association pursuant to section 600.6.A., the CPI Department will attempt to contact the owner of the sign or flag. Owners may recover signs and flags from the CPI Department. Signs not recovered within 15 days will be destroyed.

## **Section 700. Home-Based Businesses**

### **Section 700.1**

A. **General.** All Home-Based Businesses, engaged in commerce, require a variance/exception. All lots shall be used for residential purposes only. No structures shall be erected, placed or allowed to remain on any lot other than one (1) detached, single family residential dwelling and such outbuildings constructed in connection with such residence as are usually typical for a single-family residential dwelling, including a private garage. The ARC will consider reasonable variances and adjustments of these Restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the provisions contained herein, provided, however, that such is done in conformity with the intent and purposes hereof and provided also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements in the neighborhood, the Section or the Subdivision. The approval to operate a Home-Based Business will only be granted to the legal owner of the property for a business they own or to a tenant with the approval of the owner of the property. Working remotely from home, for an employer whose office is not located within the home, is not considered to be a Home-Based Business.

B. **Variance for Home-Based Businesses.** Under certain circumstances, the granting of reasonable variances for the conduct of Home-Based Businesses which will not be materially detrimental or injurious to other property or improvements in Ocean Pines may be appropriate. Accordingly, the ARC has adopted guidelines set forth in Section 700.2 for the purpose of advising property owners in the Subdivision of the minimum conditions that must be met for the ARC to consider and act upon any request for a variance for a Home-Based Business. Applications meeting the conditions will be approved only where the ARC finds that such approval conforms to the requirements for variances as defined in the Section's Declaration of Restrictions.

C. **County.** The Worcester Department of Development Review and Permitting requires the application be made to the county for a Home-Based Business. This is in addition to the application required by Ocean Pines.

**Section 700.2 Conditions for Home-Based Businesses.** The following conditions must be met to obtain the approval for a Home-Based Business:

A. All Home-Based Businesses must be conducted solely within the structures on the property. The business cannot create any type of disturbance that may affect neighbors, the Section or be detrimental to the Community.

B. Signs and advertising of any type referring to the Home-Based Business, including window signs, are prohibited.

C. Conduct of the Home-Based Business must be incidental to the primary residential use of the property. Not more than twenty-five percent (25%) of the gross floor area of the structure, less garages, porches, and decks, may be utilized in whole or in part for the conduct of the Home-Based Business. The remaining livable gross floor area shall be in accordance with applicable Declarations of Restrictions.

D. Nothing other than parts or supplies used in the business shall be stocked on the premises and nothing sold except what is produced on the premises or as permitted by special exception by the ARC. Such items must be stored within the home, garage or shed.

E. No person may be engaged or employed on the home business premises other than a member of the immediate family residing on the premises.

F. A Home-Based Business may not include a boarding house, rooming house, Bed and Breakfast or private educational institution. This also includes a kennel-like business where animals are temporarily boarded for a fee.

G. Home-Based Business shall not generate substantial amounts of vehicular or pedestrian traffic. No more than one (1) vehicle used for the home business will be allowed and cannot be parked in the road right of way. Vehicles used in conjunction with a home business must meet the weight limitation of Section 800.

H. Business equipment and materials are prohibited from being openly stored or parked on the property.

**Section 700.3 Application to ARC to Operate a Home-Based Business.**

A. **Initial Application.** Persons applying for a Home-Based Business shall complete the "Application for Variance for Home-Based Business" form available at the CPI Department office. Applications must address each of the conditions listed in section 700.2 in narrative form. In addition, the applicant must provide an acknowledgement that the homeowners insurance company is aware a business is being operated out of the home and provide a copy of the business license issued by Worcester County. A fee will be charged. ARC approval is valid for one (1) year.

B. **Renewal.** Each year the application must be resubmitted to the ARC and will be re-evaluated for continued approval. An inspection by CPI is required to determine that the originally approved business use is still valid and is in compliance with these Guidelines. A fee will be charged.

## **Section 800. Oversize Vehicle, Recreational Vehicle and Trailer Regulations**

### **Section 800.1**

#### **A. General**

1. Trailers. No temporary house, trailer, tent, canopy, garage or other outbuilding shall be placed or erected on any lot, provided, however, that the ARC may grant permission for any such temporary structure for storage of materials during construction. No such temporary structure as may be approved shall be used at any time as a dwelling place, nor shall any overnight camping be permitted on any lot.

2. Oversize Vehicles, Recreational Vehicles (RV's). Oversize vehicles, defined as having a GVWR greater than Class 3, including but not limited to commercial trucks and trailers, construction vehicles and trailers, trailer trucks, limousines and buses are prohibited from being parked or stored overnight or longer on any lot or street in the Section or Subdivision unless prior written approval from the ARC has been obtained. The only Class 3 vehicle allowed will be a 3500 series pickup truck, not for commercial use and must be parked off the street in the driveway. A maximum of one (1) such vehicle will be allowed on any lot. Any and all Recreational Vehicles are prohibited from being parked anywhere in Ocean Pines without written approval from the ARC being first obtained. (See Paragraph B below and Sections 800.2 and 800.4)

**B. Objective.** Pursuant to this authority and other requirements of the Section's Declaration of Restrictions, the ARC, by these Guidelines, establishes minimum standards for the storage of oversize vehicles and RVs of any class on the lots in Ocean Pines to provide minimum visible impact on the community and maintain property values. Additionally, any vehicle, RVs of any class, tent or canopy may not be used as a dwelling place or for overnight camping on any lot in Ocean Pines. The ARC has determined that since its inception by Boise and follow-on ownership/management, the Ocean Pines community was established as a residential and recreational community to include swimming, tennis, golf and boating. Declarations of Restrictions place few, if any, restrictions on these activities. Thus, the ARC exempts boats/PWCs and boat/PWC trailers from this restriction. Any open unmarked utility trailers smaller than sixteen (16) feet in length, measured from the tongue to the rear bumper, and less than four (4) feet in height, and not an RV of any class, as defined herein, are also exempt from the specifications of Sections 800.2 and 800.3 below.

### **Section 800.2 Specific Guidelines, Boat/ PWC Trailers**

**A. Location.** Storage shall be on a driveway or other paved/stone surface wholly completely within the property lines of the owner's lot and where possible, should be located behind the front building restriction line or behind the front line of

the house structure. Storage on any portion of the street or right-of-way is prohibited. Storage of any boat, trailer or vehicle on an unimproved (vacant) lot is prohibited.

**B. Number.** The ARC has established the following limitation on motorized watercraft stored on an improved lot; one boat with trailer and two PWC on trailers. These may be stored on the lot, on their trailers when not in the water. If the watercraft is kept in the water, its empty trailer may be stored on the lot. All other unscreened trailers are prohibited, except during a construction project or when approved by the ARC.

### **Section 800.3 Permit Procedures, Recreational Vehicles**

**A. General.** Only short-term RV parking will be considered with a valid permit in Ocean Pines. Permits will be considered only for the homeowner of record and will expire upon sale of the subject RV or transfer of the property. The Vehicle ID number must be included in the application for the permit. Parking of any other RV on the property is prohibited. Any permit issued per this section must be prominently displayed on the vehicle while it is parked on the property. Use of the vehicle as a dwelling place or overnight camping is prohibited.

**A. Short Term Parking.** Short-term parking or storing an oversized vehicle overnight or longer requires a permit issued by the ARC. A temporary parking permit form may be obtained from the CPI Department office. There are two (2) types of temporary parking allowed.

1. Two-week periods. No more than four (4) two-week temporary permits will be issued per year and there must be a separation of at least two (2) weeks between periods. It is necessary to apply for a temporary two-week permit each time the vehicle is to be parked on the property for 2 weeks.

2. 48-hour periods. No more than twelve (12) times per year for the purpose of loading and unloading the RV between trips. This is an annual permit.

**B. Previously Issued Long-Term RV Parking Permits.** As of the effective date of these Guidelines, any homeowner who holds a Long-Term Parking Permit, sometimes previously referred to as a Permanent Parking Permit, will continue to be able to store their current RV on their property as long as CPI has been provided with the make, model, license plate number and a copy of the current registration. Upon any transfer of ownership in the property, or the sale of the currently permitted RV, that permit becomes canceled and cannot be transferred to the next owner or used to store another RV.

### **Section 800.4 P.O.D.S. - Portable On Demand Storage.**

**A.** Portable on Demand Storage Containers (PODS), or similar types of storage containers, for the purpose of loading and unloading, are limited to one (1)

unit per improved lot. The container requires a permit from the CPI Department and can remain no longer than thirty (30) days. The container must be in the residence's driveway or paved parking area.

## **Section 900. Soil Erosion and Sediment Control**

### **Section 900.1 Purpose.**

A. **Intent.** To establish minimum requirements and procedures to control the adverse effects caused by accelerated soil erosion and sedimentation during the period of construction. This section is in addition to any applicable State or County regulations or requirements.

B. **Applicability.** No owner/developer shall disturb any lot in Ocean Pines without implementing soil erosion and sediment controls in accordance with the requirement of Section 900.2 and complying with Worcester County requirements.

C. **Wetlands.** Any disturbance to any wetland areas requires prior approval of the Maryland Department of the Environment (MDE).

### **Section 900.2 Requirements.**

A. **Sediment Control Plan.** An erosion and sediment control plan shall be shown on the site plan as part of a new construction submittal if disturbance to the lot exceeds 5,000 sq. ft. or more than one hundred (100) cubic yards of fill are to be placed on the lot.

B. **Required Practices for New Construction.** The following is required for any new construction, plus any addition where the existing driveway will not be used.

1. A stabilized construction entrance shall be established to reduce erosion into the drainage system. It shall be required on all numbered lots undergoing clearing and grading for new construction. Once established, all deliveries and construction vehicles are to use this entrance. The following materials are required.

a) Ten (10) tons of stone, 2½ inches, or larger, covering a minimum of twenty (20) feet wide by twenty-five (25) feet deep, starting at the edge of the paved roadway, shall be installed after clearing the site of the proposed driveway and the placing of the culvert pipe and culvert pipe fill.

b) Straw bales shall be installed as head walls after the culvert is in place. They should be installed no less than four (4) inches below grade and be securely anchored. If deterioration or damage occurs to the bales during construction, the bales must be replaced immediately.

C. **Perimeter Erosion Controls.** Perimeter erosion controls are required to prevent sediment from washing into drainage ditches and waterways. Perimeter



controls shall be installed parallel to all waterways and major outfall ditches that abut any lots where clearing and grading have been performed. Front drainage ditch protection shall be installed if the lot needs substantial fill between the building location and the front ditch. Approvals are required from Worcester County Development and Review and Worcester County Department of Environmental Programs (410-632-1200). The following materials are required.

1. A filter fence shall be securely anchored and installed no less than six (6) inches below the existing grade and no less than eighteen (18) inches tall. Straw bales may be substituted for a filter fence and installed no less than four (4) inches below grade and securely anchored.
2. A filter fence and/or straw bales shall be installed prior to breaking ground for construction. These erosion controls shall not be removed until disturbed areas have been stabilized or landscaped.
3. Perimeter controls shall be maintained so as not to fall into a state of disrepair or cease to function properly.

### **Section 1000. Satellite Dishes**

#### **Section 1000.1 Purpose.**

- A. **Intent.** To establish minimum requirements and procedures to control any adverse visual impact from the placement of satellite dishes.
- B. **Authority.** Declarations of Restrictions prohibit such structures. Since the Restrictions were written, FCC regulations allow an individual to place a dish up to one meter in diameter on their property.

#### **Section 1000.2 Guidelines.**

- A. No trees may be removed to provide line of sight. Proposals to trim trees must be approved by the CPI Department.
- B. Satellite dishes may not exceed one (1) meter in size.
- C. The preferred locations for dish placement are at the rear of the house or behind the front foundation line of the house. If the line of site can be obtained only from the front yard, then landscaping to screen the dish from the street is required.

### **Section 1100. Supplemental Guidelines**

#### **Section 1100.1 Vehicle Storage.**

- A. **Intent.** To minimize the negative visual impact and loss of property value caused by long term storage of unregistered and/or non-operative vehicles on Ocean Pines lots and to address any safety and health concerns.

**B. General.** Stripped down, unregistered, partially wrecked, non-operative, junk motor vehicles, or sizable part thereof, are prohibited to be from being parked on any street in the Section or Subdivision or on any lot.

**C. Guidelines.**

1. All vehicles must be parked on the residence's driveway or paved parking area.

2. In the process of evaluating whether a motor vehicle is to be included in the "junk" category, conditions such as, but not limited to, flat tires, missing headlights, broken windows, the absence of current state registration, mold, mildew, leaking fluids, rusted or missing parts, or being used for storage, and other on-site conditions, are to be considered a nuisance as defined in Worcester County Code Title PH 1, Health Related Nuisances, Subtitle I, Environmental Health Hazards, Subsection PH 1 104 – Junk Vehicles.

**Section 1100.2 Ocean Pines Easements.**

**A. Intent.** Allows Ocean Pines Public Works Department personnel to maintain the front easement area on the lots in the subdivision.

**B. General.** Declarant reserves for itself, its successors and assigns, for purposes incident to its development of the real property subject to these Restrictions, the following easements and /or rights-of-way.

1. For the use and maintenance of drainage courses of all kinds designated on the plat as "Drainage Easements". These easements are ten (10) feet in width unless otherwise specified on the recorded plats and are centered about the existing drainage channels.

**C. Guidelines.** Owners are prohibited from placing or erecting structures, light reflecting devices, signs or other obstacles higher than ten (10) inches in the Ocean Pines easement area. In general, this easement area extends from the residence side of a drainage ditch to the roadway edge.

EXHIBIT 1

ALLOWABLE COVERAGE / BUILDABLE AREA CHART		
BUILDABLE AREA	ALLOWABLE COVERAGE %	ALLOWABLE COVERAGE SQ.FT.
Up to 2,200	100.0%	Up to 2,200
2,300	97.5%	2,243
2,400	95.0%	2,280
2,500	92.5%	2,313
2,600	90.0%	2,340
2,700	87.5%	2,363
2,800	85.0%	2,380
2,900	82.5%	2,393
3,000	80.0%	2,400
3,100	78.0%	2,418
3,200	76.1%	2,435
3,300	74.3%	2,452
3,400	72.6%	2,468
3,500	71.1%	2,489
3,600	69.6%	2,506
3,700	68.2%	2,523
3,800	66.8%	2,538
3,900	65.6%	2,558
4,000	64.4%	2,576
4,100	63.2%	2,591
4,200	62.1%	2,608
4,300	61.1%	2,627
4,400	60.1%	2,644
4,500	59.2%	2,664
4,600	58.3%	2,682
4,700	57.4%	2,698
4,800	56.6%	2,717
4,900	55.8%	2,734
5,000	55.0%	2,750

*WHITETAIL SANCTUARY (SECTION 15B) ALLOWED TO GO 30% OVER ALLOWABLE COVERAGE*

*(See Section 100.4 B2 for the calculation)*

## **GLOSSARY**

**Accessory Structure** – A building or structure on the same lot with, and of, a nature customarily incidental and subordinate to the principal structure and which is not attached by any common wall or roof to the principal structure.

**Architectural Fence** - a structure, usually made of wood, stone or vinyl, used to enhance the appearance of and be architecturally compatible with the house.

**As-Built Certified Survey** - A property survey done by a State licensed surveyor showing the exact location of any improvements/encroachments. This survey is required to refund any deposit and obtain final approval or an Occupancy Permit from OPA.

**Boat** - A vessel propelled by oars, sails or power, but excluding canoes, kayaks, or other similar light watercraft.

**Boathouse** - A boat covering structure, whether called a boathouse, a boat tent or other terminology to describe similar roofed housing.

**Boatlift** - A device used to raise, lower and usually store a vessel over the water. (Also see davit, personal watercraft lift.) Boatlifts shall be inclusive of all post and floating lift systems, but exclusive of davits where the davit base is not within the water.

**Buildable Area** - Calculated as the gross deeded lot area, less setbacks.

**Building Restriction Line (BRL)** - The line established by law, beyond which a building shall not extend, except as specifically provided by law and shown on the property survey.

**Carport** - A permanently constructed, open-sided structure under which a car or other vehicle is stored or parked.

**Change During Construction** - Any change directly connected to the structure being improved or modified. Does not include separate additions such as outbuildings not originally submitted for approval.

**Coverage** - The amount of land within the building area that is covered with a roofed structure. Detached structures are not included.

**Critical Area Buffer** – The area of at least one hundred (100) feet located adjacent to tidal waters, tidal wetlands and tributary streams. It is intended to be left undeveloped to lessen the impact of people living within the Chesapeake Bay and Atlantic Coastal Watersheds.

**Davit** - A type of crane used to raise or lower a boat, watercraft or cargo, but not used to store a vessel. Also, may be used in pairs as a boat lift in lieu of the more traditional design. (See Boat Lift)

**Detached Structure** - Any structure not attached to the primary structure.

**Dock** - Dock and/or pier, (hereinafter referred to as dock) will constitute the same meaning, i.e.: A structure for the means of mooring a vessel. This includes fixed or floating structures or a combination thereof.

**Dock Box** - A lockable storage container attached to a pier (dock) used to store marine related items - gas cans, ropes (lines), tools, flotation devices, etc. It can be made of various materials that shall be impervious to, or will not deteriorate in, a marine environment. The size of a dock box will be no wider than six feet, no deeper than 30 inches, and no taller than 30 inches.

**Dock Walkway and/or Platform** - A structure to get from shore (natural or bulkheaded) to a floating dock or over wetlands. Such a walkway shall be limited to a maximum width of three (3) feet and of such length as allowed by current county codes or the Army Corps of Engineers.

**Dog Run** - A pre-manufactured wire enclosure located behind the front foundation line of the house used to safeguard pets.

**Easement** - A right or privilege to a property held by someone other than the owner, usually a right to run/install utilities.

**Elevation Drawing** - A drawing that includes separate views of each exterior side of a building.

**Excavation** - The moving or digging of earth in preparation for construction.

**Exception** - Authorization from the ARC to deviate from a limitation imposed by these Guidelines.

**Fenced Enclosure** - An enclosed fenced structure located behind the front foundation line of the house, usually made of wood or vinyl, used to safeguard children or pets.

**Fill** - Sand, gravel or loose earth used to bring a subgrade up to a desired level. Depth may not exceed 12 inches without ARC approval.

**Filter Fence** - Woven fabric fence with steel or hardwood posts placed on a site during construction to control erosion and sediment.

**Fire Pit** - A self-contained apparatus, either fixed or portable, usually constructed of masonry or metal, designed to contain fire and prevent it from spreading. A fixed Fire Pit is one that is an enclosed and permanently affixed receptacle which incorporates a permanently affixed chimney or flue and constructed of rock or masonry and looks more like a fireplace. A portable Fire Pit is one purchased from a retailer selling

enclosed containers designed to hold a small fire, typically made of copper, steel or cast iron and must have UL approval. Chimineas are also acceptable as a portable Fire Pit.

**Floor Plan** -An architectural drawing, to scale, showing walls, doors, window openings, stairs and rooms as one would view the building from overhead without a roof.

**Foundation** - Part of a structural system that supports and anchors a building.

**Foundation Location Survey** - A property survey done by a State licensed surveyor showing the exact location of the building foundation.

**Garage** - An enclosed structure for housing one or more vehicles.

**Home-Based Business** – A business, engaged in commerce, whose primary office is the owner's home.

**Home Improvement** - Maryland Home Improvement Law defines "home improvement" as the addition to or alteration, conversion, improvement, modernization, remodeling, repair, or replacement of a building or part of a building that is used or designed to be used as a residence or dwelling place or a structure adjacent to that building; or an improvement to land adjacent to the building.

**Installation Plan** - A site plan for modular homes indicating the area to be cleared for the location of the crane and the location of any improvements.

**Landscape Plan** - A plat of the lot showing building outlines and approximate planting locations, including lines of clearing and areas to be left in a natural state.

**Lattice** - Framework structure of crossed or interlaced wood/plastic strips.

**Livable Area** - Gross floor area of a structure minus garages, porches, and decks.

**Lot Line** - The line forming a legal boundary of a property.

**Material Change or Alteration** – Any change to the general appearance of the existing main structure or other structures and improvements, either existing or to be added, including the colors and uses of exterior materials. Any change to the general appearance of the existing landscaping on the lot.

**Nuisance Property** – The existence of conditions which are found to be prejudicial to the maintenance of property values, health, safety or general welfare of the residents. (See Worcester County, Title PH 1, Health Related Nuisances)

**Ocean Pines Board Candidate** - as used herein shall mean a person who has been approved as an eligible candidate for election to the Ocean Pines Board.

**Ocean Pines Board Candidate Sign** - as used herein shall mean a sign on behalf of a candidate for election to the Ocean Pines Association Board of Directors.

**Ocean Pines Board Referendum Sign** - as used herein shall mean a sign that advertises the support or defeat of any referendum question submitted to the Ocean Pines voters in accordance with the Ocean Pines Association governing documents.

**Occupancy** - The use of the building in accordance with the approved plans and specifications.

**Outbuilding** -A building, such as a shed or garage, which is located on the same lot as the main residential building, the use of which is incidental to that of the main residential building.

**Overhang**- The extension of a roof or upper story beyond the wall of the structure below.

**Oversize Vehicle** - A motorized vehicle with a GVWR of Greater than Class 3, of which only one 3500 series pick-up truck used only for personal use is allowed.

**Parge** - A cement coating applied to a wall for refinement and moisture proofing of the surface.

**Permit** – Issued by the CPI Department and approved in writing by the ARC allowing any improvements, additions to alterations to the property and the lot.

**Personal Watercraft (PWC)** - A power driven watercraft that has a fully enclosed hull; and does not take on water if capsized; and is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.

**Personal Watercraft Lift** - A device used to raise, lower and store one or two personal watercrafts. (Also see Boat lift.)

**Pier** - (See Dock)

**Pitch** - The slope of a roof in the form of a ratio: the vertical rise over the horizontal run.

**Plat** - A graphic description of a surveyed piece of land indicating the boundaries, location and dimensions. It is recorded in the official county office and contains information as to easements, restrictions, and lot numbers.

**Privacy Fence** - A contiguous structure usually made of wood or vinyl, which adds privacy to the house.

**Political Candidate** - The term “candidate” as used herein shall mean persons seeking or campaigning for public office in a general, primary, or special election who have filed for candidacy and have been certified as a candidate in said election for public office.

**Political Candidate Sign** - as used herein shall mean a sign on behalf of a candidate for public office or a slate of candidates for public office.

**Referendum Sign** - as used herein shall mean a sign that advertises the support or defeat of any question submitted to the voters in accordance with the Maryland Election Law Article.

**RV/Motorhome** - A vehicular unit designated as a Class A-Motorhome, built on a self-propelled motor vehicle chassis, having self-contained or semi-contained living quarters, a Class B Campervan built on a conventional frame or a Class C 5<sup>th</sup> wheel trailer built on a single frame and hauled behind a truck. Also considered to be an RV are truck campers, pop-up campers and travel trailers.

**Riparian Right** - The right to use a bank of a body of water by one who owns that land.

**Setback**- Distance from the property line to the point where the building area begins. (See Building Restriction Line)

**Shed** - A free standing building serving for storage or shelter.

**Siding** - The outside finished covering over a framed wall.

**Sign** - Signs include all temporary signs, billboards, advertising flags, address plates, real estate stakes, brochure boxes or displayed advertising of any kind.

**Site Plan** - A drawing showing, to scale, the size and location of all new construction and all existing structures on a site, distances from lot lines, and drawn in accordance with an accurate boundary line survey by a licensed surveyor. (See Section 200.2.C3)

**Storage Unit** - A free-standing structure (also called cabinet or storage unit) having less than twenty (20) square feet in floor area and seventy-eight (78) inches or less in height used for storage or shelter.

**Structure** - Anything constructed or erected with a fixed location, attached to the ground by a type of foundation or support which cannot be easily moved.

**Substantially Completed** - Construction work on the exterior of the house is completed in accordance with the approved plans.

**Temporary Fence** - A structure, usually made of wood, coated wire, vinyl or a combination of these materials, used to temporarily enclose a garden or newly seeded area.

**Trailer** - A wheeled towed vehicle that may be enclosed, having a flat bed and frame designed for holding and transporting a load or designed as a Recreational Vehicle. (see RV/Motorhome definition)

**Unimproved (Vacant) Lot** – A lot is considered to be unimproved or vacant until it has been improved with a residential dwelling unit.



**Variance** - Authorization from the ARC to deviate from a limitation imposed by the Declarations of Restrictions.

**Vehicle** - A wheeled conveyance that transports people or objects.

**Vertical Survey** -A property survey done by a State licensed surveyor showing the exact height of the building.

**Violation** - An infringement of the Declaration of Restrictions or ARC Guidelines.

**Wall** – A continuous vertical wood, brick or stone structure typically used as a border.

**Yard Sale** – A sale from a residence or residential property of personal property which has been personally owned or used by a person residing on or owning the premises where the sale is conducted.

**Zoning**- The reservation of certain specified areas within a community or city for building and structures, or use of land, for certain purposes with other limitations such as height, lot coverage, and other stipulated requirements.