



OCEAN PINES ASSOCIATION, INC.  
BOARD OF DIRECTORS' REGULAR MEETING  
AGENDA

Saturday, January 4, 2020  
9:00 AM, Assateague Room, Community Center

Call to Order – Doug Parks, President

Pledge of Allegiance – All

Approval of Agenda – Board

Approval of Minutes  
December 4, 2019 – Regular Meeting

President's Remarks – Doug Parks, President

Announcement of Email Votes/Motions – Colette Horn

GM Report – John Viola

Treasurer's Report- Larry Perrone

Public Comments

Capital Purchases Requests - None

CPI Violations- None

Unfinished Business –  
Second Reading – Resolution M-01 – Frank Daly  
Second Reading – Resolution B-01 – Camila Rogers

New Business –  
First Reading – Resolution M-06 – Steve Tuttle  
Motion – Acceptance of the Architectural Review Committee Revised Guidelines –  
Steve Tuttle

Appointments –  
Larry Malone – Chair – ARC  
Kathy Grimes – Extended Term - Aquatics

Adjournment



OCEAN PINES ASSOCIATION, INC.  
BOARD OF DIRECTORS' REGULAR MEETING  
Wednesday, December 4, 2019  
7:00 Pm Assateague Room, Community Center

PRESENT: Doug Parks, Steve Tuttle, Colette Horn, Larry Perrone, Camilla Rogers and Tom Janasek. Frank Daly via conference call.

ALSO PRESENT: John Viola, General Manager, Steve Phillips, Director of Finance and Operational Logistics, 1 member of the press and approximately 7 Association members.

**Call to Order** – Doug Parks called the meeting to order at 7:00 pm with the Pledge of Allegiance.

**Approval of Agenda**

Ms. Rogers moved to amend the Agenda by adding under New Business, First Reading of Resolution B-01; Mr. Perrone added A committee Appointment for Vanessa Alban to the Recreation & Parks Committee. Mr. Tuttle seconded, all in favor.

**Approval of Minutes**

November 2, 2019 – Regular Meeting - Ms. Rogers moved to accept, Mr. Daly seconded, all in favor.

**President's Remarks – Doug Parks** – Mr. Parks stated the Comcast Town Hall last night went very well. The video is on the website for members to view.

**GM Report- John Viola** (see attached)

**Proposed Budget & NorthStar Update – Steve Phillips** (see attached)

**Treasurer's Report- Larry Perrone** (see attached)

**Public Comments**

1 Association member provided comments.

**Capital Purchases Requests-**

Golf – Top Dresser & Pro Gator – Mr. Janasek moved to authorize the purchase from Finch Services, Inc. for \$31, 444.90, Mr. Perrone seconded, all in favor.

Golf – Cart Path Repair - Mr. Perrone moved to authorize the repairs from Chesapeake Paving for \$39,980, Ms. Horn seconded, all in favor.

Aquatics – Rubaroc replacement for Splash Pad & Mumford's Landing pool – Mr. Tuttle moved to authorize the repairs from Rubaroc for \$31,805, Mr. Perrone seconded, all in favor.

Bulkheads – Wood Duck II Mallard Dr. West – Ms. Rogers moved to authorize the repairs of \$140,535.00 from McGinty for lots 2,4,6 & 8, Mr. Perrone seconded, all in favor.

Bulkheads – Wood Duck I/Ocean Pkwy. OPA Parcels – Mr. Perrone moved to authorize the repairs of \$325,335.00 from Fisher Marine for Ocean Parkway (OPA Owned), Ms. Horn seconded, all in favor.

P/R & Marketing – Community Center Audio system - Mr. Perrone moved to authorize the equipment purchase of \$16,788.15 from Mid-South Audio. Ms. Horn seconded, all in favor.

### **CPI Violations- None**

### **Unfinished Business – None**

### **New Business –**

Motion - To approve the Employment Contract for the General Manager – Doug Parks – Ms. Rogers seconded, all in favor.

Proposed Topic for Discussion - Orientation to new Advisory Committee Chairs and Liaisons – Colette Horn

First Reading of Resolution B-01 amendment– Ms. Rogers – Ms. Horn seconded, all in favor of accepting first reading.

### **Appointments –**

Donna Hickey – 3rd Term – Clubs

Susan Holt – 1st Term – Recreation & Parks

Vanessa Alban – 1st Term – Recreation & Parks

The above nominations were approved unanimously.

At 8:05 pm Mr. Janasek moved to adjourn the meeting, Mr. Tuttle seconded, all in favor.

\*Please note at a November 2, 2019 Regular Board Meeting, Mr. Parks moved adjourn to closed session for the purpose of discussion of matters pertaining to employees and personnel in accordance with Maryland HOA Act Section 11B-111 (4)(i). Mr. Daly seconded, all in favor.



## OCEAN PINES ASSOCIATION, INC. PROPOSED MOTION

**DATE:** 12/14/19

**TOPIC:** Email Vote – Clipper Court Drainage Pipe

**FOR INCLUSION IN MEETING HELD ON:** N/A

**SUBMITTED BY:** Doug Parks      **SECOND BY:** Larry Perrone

**MOTION:** Move to conduct electronic vote to authorize the funding request for drainage pipe replacement on Clipper Court

**PURPOSE AND EFFECT:** Motion to vote via email is required per by-laws

**BACKGROUND:** Unanimous consent required to conduct a vote via email

**MOTION OUTCOME:** PASSED:   X   FAILED: \_\_\_\_\_

DIRECTORS IN FAVOR:	DIRECTORS OPPOSED:	DIRECTORS ABSTAINED:
Steve Tuttle		
Frank Daly		
Colette Horn		
Larry Perrone		
Doug Parks		
Camilla Rogers		
Tom Janasek		



# OCEAN PINES ASSOCIATION, INC. PROPOSED MOTION – email vote

**DATE:** 12/17/19

**TOPIC:** Drainage Pipe Installation on Clipper Court

**FOR INCLUSION IN MEETING HELD ON:** N/A

**SUBMITTED BY:** Colette Horn      **SECOND BY:** Larry Perrone

**MOTION:** to authorize a funding request for drainage pipe replacement on Clipper Court

**PURPOSE AND EFFECT:** To approve staff recommendation to grant bid for drainage pipe replacement to the lowest bidder (Goody Hill) at \$37,500.

**BACKGROUND:** This is an un-budgeted request for a drainage pipe to help address ongoing drainage issues on Clipper Court/Harborview Road. Three bids were secured, and staff is recommending granting the job to the lowest bidder. Savings from the Borderlinks Culvert project that is \$35,000 below budget will be used to fund this project.

**MOTION OUTCOME:** PASSED: \_\_\_\_\_ FAILED: \_\_\_\_\_

DIRECTORS IN FAVOR:	DIRECTORS OPPOSED:	DIRECTORS ABSTAINED:
Horn		
Perrone		
Parks		
Tuttle		
Daly		
Rogers		
Janasek		



MEMO

To: OPA Board of Directors

From: John Viola, General Manager

Subject: Clipper Ct. / Harborview Drainage Request

Requesting Authorization to go forward in 2019/2020 to approve Staff recommendation to install drainage pipe at Clipper Ct./Harborview. We received 3 bids; Goody Hill was the lowest bidder at \$37,100. I request the funds be allocated from the remaining Borderlinks project (balance of \$35,750) to this project.


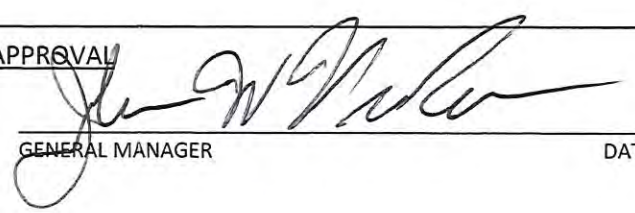
Note: Pipe is needed to drain water across road.



**OCEAN PINES ASSOCIATION, INC.  
BID REQUEST FORM**

DEPARTMENT PW Drainage DATE 12/2/2019  
 ITEM DESCRIPTION Culvert installation to help with drainage problem. (un-budgeted)  
 FOR REPLACEMENT OF (if applicable) Clipper Court  
 RESERVE STUDY - PAGE # \_\_\_\_\_ LINE# \_\_\_\_\_ BUDGET AMOUNT \$ (\$620,300)

BIDDER	TOTAL PRICE EACH	DIFFERENCE FROM BUDGETED	COMMENTS
Terra Firma	\$47,350.00	Over by \$47,350.00	
Murtech, Inc.	\$88,980.00	Over by \$88,980.00	
Goody Hill	\$37,100.00	Over by \$37,100.00	<b>STAFF RECOMMENDED</b> With the \$35,000 in savings from Borderlinks, we feel this culvert should be implemented to help with drainage issues on Clipper/Harborview Road.

	APPROVAL	
DEPT. HEAD _____	DATE _____	GENERAL MANAGER _____
ACCOUNTING _____	DATE _____	BOARD _____
		DATE _____

\*Please limit 1 item per sheet

November 26, 2019

Mr. Eddie Wells, Director  
Ocean Pines Department of Public Works  
1 Firehouse Lane  
Ocean Pines, MD 21811

RE: Borderlinks Rd & Harborview Dr - Culvert Replacement Projects  
Analysis of Bids Received November 22, 2019

Dear Mr. Wells:

Pursuant to your request, Vista Design, Inc., has conducted a review of the bids received on November 22, 2019 for the above-referenced projects. In total, three bids were received for both culvert replacements. All bidders utilized the provided bid form, completed all applicable line items on their bid and properly signed their bids, as required. Therefore, all three bids are deemed in compliance with the bid documents, and are summarized as follows:

Location / Item	Bidder		
	Terra Firma of Delaware, Inc.	Murtech, Inc.	Goody Hill Groundwork, Inc.
Borderlinks Road	\$142,350.00	\$132,714.00	\$ 64,250.00
Harborview Road	\$ 47,546.00	\$ 88,980.00	\$ 37,100.00
Contingent Item – Structural Fill	\$35.00	\$ 125.00	\$ 35.00

To evaluate the applicability of the bids, we compared the received bids to our engineer's cost estimates that we prepared following completion of our designs but prior to project bidding. Our engineer's estimates were based upon available costing data (published municipal bonding data, published material costing data, etc) as well as our experience with similar projects, but do not take into account time of year cost modifications, contractor workload, or regular changes in material costs due to economic issues. For comparison purposes, copies of our pre-bid project cost estimates are attached and are summarized as follows:

Location	Engineer's Cost Estimate
Borderlinks Road	\$ 73,100.00
Harborview Road	\$ 40,000.00



Mr. Eddie Wells  
Ocean Pines Department of Public Works  
RE: Borderlinks & Harborview Drive Culvert Replacement Projects – Bid Assessment  
November 26, 2019  
Page 2 of 2

In summary, while we were disappointed in the higher than expected bid costs received from Terra Firma and Murtech, we were pleased that Goody Hill's bid was less than our internally prepared cost estimates. For small, time sensitive projects, existing contractor workload often plays a large roll in their pricing and appears to have perhaps occurred with this bid. It is a reminder that multiple bids from reputable contractors are always required in an effort to obtain the best pricing.

I trust this bid assessment adequately details the three bids received for the Borderlinks and Harborview Drive culvert replacement projects. Based upon our review, we find that Goody Hill Groundwork has submitted the lowest qualified bid and we encourage you to award the bid to them in a timely manner so they may immediately schedule the required work efforts to allow both replacements to be completed this year. Should you have any questions, please don't hesitate to contact me.

Sincerely,  
**Vista Design, Inc.**



Richard F. Polk, PE

Attachments:

- Borderlinks Condominiums – Culvert Replacement at Entrance Engineer's Cost Estimate, dated 10/17/19
- Ocean Pines Section 1 – 18 Harborview Culvert Installation Engineer's Cost Estimate, dated 10/2/19

# VISTA DESIGN, INC.

Architects • Engineers • Surveyors • Land Planning Consultants • Landscape Architects • GIS Services

## Borderlinks Condominiums - Culvert Replacement at Entrance

Engineering Cost Estimate

October 17, 2019

Item	Quantity	Unit	Unit Cost	Total
<b>STORM DRAINAGE</b>				
30" HPDE Pipe	120	LF	\$100.00	\$12,000
30" Plastic Flared End Section	2	EA	\$400.00	\$800
Bankrun Gravel Box Culvert Bedding	60	CY	\$50.00	\$3,000
2" Topsoil/Seed & Mulch Grassed Areas	350	SY	\$10.00	\$3,500
Cut and Haul Offsite	12	CY	\$50.00	\$600
Temporary Disconnect/Reset Low Voltage Wiring	1	LS	\$500.00	\$500
15" Pipe Plug	1	EA	\$200.00	\$200
Cofferdam and Dewatering Practice	2	EA	\$5,000.00	\$10,000
				<b>\$30,600</b>
<b>ROAD IMPROVEMENTS/MOT</b>				
Traffic Control - Barriers with sign	2	EA	\$500	\$1,000
Traffic Control - Road Signs	6	EA	\$500	\$3,000
Traffic Control - Flaggers	10	Days	\$500	\$5,000
Saw Cut Road	60	LF	\$10.00	\$600
Remove Asphalt	400	SF	\$5.00	\$2,000
Remove and Reset Curb	1	LS	\$500.00	\$500
Temporary 4" Gravel Bypass Road (Crusher Run Stone)	24	LF	\$50.00	\$1,200
Asphalt Road/Patch	10	Tons	\$120.00	\$1,200
Bankrun Gravel Road Bedding	10	CY	\$50.00	\$500
Permanent Stabilization With Grass Seed/Mulch	1	LS	\$500.00	\$500
				<b>\$15,500</b>
			<b>SUBTOTAL</b>	<b>\$46,100</b>
			MOBILIZATION & STAKEOUT (+/-15%, \$52,500 Max)	\$7,000
			CONTRACTOR OH & P (+/-15%)	\$7,000
			<b>SUBTOTAL</b>	<b>\$60,100</b>
			CONTINGENCY (+/-20%)	\$13,000
			<b>CULVERT REPLACEMENT TOTAL</b>	<b>\$73,100</b>

# VISTA DESIGN, INC.

Architects • Engineers • Surveyors • Land Planning Consultants • Landscape Architects • GIS Services

## Ocean Pines Section 1 - 18 Harborview Culvert Installation

Engineering Cost Estimate

October 2, 2019

Item	Quantity	Unit	Unit Cost	Total
<b>STORM DRAINAGE</b>				
15" HPDE Pipe	40	LF	\$50.00	\$2,000
15" Plastic Flared End Section	2	EA	\$300.00	\$600
MD SHA 378.03 Type K Inlet (Single Opening)	1	EA	\$5,800.00	\$5,800
Bankrun Gravel Box Culvert Bedding	10	CY	\$50.00	\$500
Geotextile Fabric	0	SY	\$10.00	\$0
Relocation of Communication Line and Ped (By Others)	0	LF	\$100.00	\$0
Remove Existing Concrete Inlet	1	LS	\$1,000.00	\$1,000
2" Topsoil/Seed & Mulch Shoulder/Ditch Areas	90	SY	\$10.00	\$900
Cut and Haul Offsite	12	CY	\$50.00	\$600
Fine Grading	90	SY	\$10.00	\$900
				<b>\$12,300</b>
<b>ROAD IMPROVEMENTS/MOT</b>				
Traffic Control - Barriers with sign	2	EA	\$500	\$1,000
Traffic Control - Road Signs	1	EA	\$500	\$500
Traffic Control - Flaggers	5	Days	\$500	\$2,500
Mill Asphalt	665	SF	\$5.00	\$3,400
Saw Cut Road	40	LF	\$10.00	\$400
Remove Asphalt	80	SF	\$5.00	\$400
Temporary 3" Gravel Bypass Road (Crusher Run Stone)	24	LF	\$50.00	\$1,200
Repave Road	16	Tons	\$120.00	\$2,000
Bankrun Gravel Road Bedding	16	CY	\$50.00	\$800
Permanent Stabilization With Grass Seed/Mulch	1	LS	\$500.00	\$500
				<b>\$12,700</b>
			<b>SUBTOTAL</b>	<b>\$25,000</b>
			MOBILIZATION & STAKEOUT (+/-15%, \$52,500 Max)	\$4,000
			CONTRACTOR OH & P (+/-15%)	\$4,000
			<b>SUBTOTAL</b>	<b>\$33,000</b>
			CONTINGENCY (+/-20%)	\$7,000
			<b>CULVERT REPLACEMENT TOTAL</b>	<b>\$40,000</b>



# OCEAN PINES ASSOCIATION, INC. PROPOSED MOTION

**DATE:** 12/14/19

**TOPIC:** Email Vote – Borderlinks Road Drainage

**FOR INCLUSION IN MEETING HELD ON:** N/A

**SUBMITTED BY:** Doug Parks      **SECOND BY:** Larry Perrone

**MOTION:** Move to conduct electronic vote to approve the funding request for drainage pipe replacement at Borderlinks Road.

**PURPOSE AND EFFECT:** Motion to vote via email is required per by-laws

**BACKGROUND:** Unanimous consent required to conduct a vote via email

**MOTION OUTCOME:** PASSED:   X   FAILED: \_\_\_\_\_

DIRECTORS IN FAVOR:	DIRECTORS OPPOSED:	DIRECTORS ABSTAINED:
Steve Tuttle		
Frank Daly		
Colette Horn		
Larry Perrone		
Camilla Rogers		
Doug Parks		
Tom Janasek		



# OCEAN PINES ASSOCIATION, INC. PROPOSED MOTION – email vote

**DATE:** 12/17/19

**TOPIC:** Drainage Pipe Replacement at Borderlinks Rd.

**FOR INCLUSION IN MEETING HELD ON:** N/A

**SUBMITTED BY:** Colette Horn      **SECOND BY:** Larry Perrone

**MOTION:** to authorize a funding request for drainage pipe replacement on Borderlinks Rd.

**PURPOSE AND EFFECT:** To approve staff recommendation to grant bid for drainage pipe replacement to the lowest bidder (Goody Hill) at \$64,250.

**BACKGROUND:** This is project was budgeted at \$100,000 to replace a drainage pipe that has failed on Borderlinks Rd. Three bids were secured, and staff is recommending granting the job to the lowest bidder.

**MOTION OUTCOME:** PASSED: \_\_\_\_\_ FAILED: \_\_\_\_\_

DIRECTORS IN FAVOR:	DIRECTORS OPPOSED:	DIRECTORS ABSTAINED:
Horn		
Perrone		
Daly		
Parks		
Tuttle		
Rogers		
Janasek		



MEMO

To: OPA Board of Directors

From: John Viola, General Manager

Subject: Borderlinks Drainage Request

Requesting Authorization to go forward in 2019/2020 to approve Staff recommendation to replace drainage pipe at Borderlinks Road. We budgeted \$100,000. We received 3 bids; Goody Hill was the lowest bidder at \$64,250.

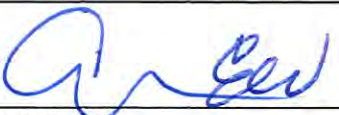

Note; Pipe has failed, over 30 years old, sinkholes now a continuous issue.



**OCEAN PINES ASSOCIATION, INC.  
 BID REQUEST FORM**

DEPARTMENT PW Drainage DATE 12/2/2019  
 ITEM DESCRIPTION Culvert installation to help with drainage problem. Budgeted  
 FOR REPLACEMENT OF (if applicable) Borderlinks Culvert  
 RESERVE STUDY - PAGE # \_\_\_\_\_ LINE# \_\_\_\_\_ BUDGET AMOUNT \$ \$620,300

BIDDER	TOTAL PRICE EACH	DIFFERENCE FROM BUDGETED	COMMENTS
Terra Firma	\$142,350.00	Over by \$42,350.00	
Murtech, Inc.	\$132,714.00	Over by \$32,714.00	
Goody Hill	\$64,250.00	Under by \$35,750.00 —	STAFF RECOMMENDED With the \$35,000 in savings from Borderlinks, we feel the culvert should be implemented to help with drainage issues on Clipper/Harborview Road.

<u>APPROVAL</u>			
			
DEPT. HEAD	DATE	GENERAL MANAGER	DATE
ACCOUNTING	DATE	BOARD	DATE

\*Please limit 1 item per sheet

November 26, 2019

Mr. Eddie Wells, Director  
Ocean Pines Department of Public Works  
1 Firehouse Lane  
Ocean Pines, MD 21811

RE: Borderlinks Rd & Harborview Dr - Culvert Replacement Projects  
Analysis of Bids Received November 22, 2019

Dear Mr. Wells:

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Contingent Item – Structural Fill	\$35.00	\$ 125.00	\$ 35.00

To evaluate the applicability of the bids, we compared the received bids to our engineer's cost estimates that we prepared following completion of our designs but prior to project bidding. Our engineer's estimates were based upon available costing data (published municipal bonding data, published material costing data, etc) as well as our experience with similar projects, but do not take into account time of year cost modifications, contractor workload, or regular changes in material costs due to economic issues. For comparison purposes, copies of our pre-bid project cost estimates are attached and are summarized as follows:

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Mr. Eddie Wells  
Ocean Pines Department of Public Works  
RE: Borderlinks & Harborview Drive Culvert Replacement Projects – Bid Assessment  
November 26, 2019  
Page 2 of 2

In summary, while we were disappointed in the higher than expected bid costs received from Terra Firma and Murtech, we were pleased that Goody Hill's bid was less than our internally prepared cost estimates. For small, time sensitive projects, existing contractor workload often plays a large roll in their pricing and appears to have perhaps occurred with this bid. It is a reminder that multiple bids from reputable contractors are always required in an effort to obtain the best pricing.

I trust this bid assessment adequately details the three bids received for the Borderlinks and Harborview Drive culvert replacement projects. Based upon our review, we find that Goody Hill Groundwork has submitted the lowest qualified bid and we encourage you to award the bid to them in a timely manner so they may immediately schedule the required work efforts to allow both replacements to be completed this year. Should you have any questions, please don't hesitate to contact me.

Sincerely,  
**Vista Design, Inc.**



Richard F. Polk, PE

**Attachments:**

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- Ocean Pines Section 1 – 18 Harborview Culvert Installation Engineer's Cost Estimate, dated 10/2/19

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## Borderlinks Condominiums - Culvert Replacement at Entrance

Engineering Cost Estimate

October 17, 2019

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<b>ROAD IMPROVEMENTS/MOT</b>				
Traffic Control - Barriers with sign	2	EA	\$500	\$1,000
Traffic Control - Road Signs	6	EA	\$500	\$3,000
Traffic Control - Flaggers	10	Days	\$500	\$5,000
Saw Cut Road	60	LF	\$10.00	\$600
Remove Asphalt	400	SF	\$5.00	\$2,000
Remove and Reset Curb	1	LS	\$500.00	\$500
Temporary 4" Gravel Bypass Road (Crusher Run Stone)	24	LF	\$50.00	\$1,200
Asphalt Road/Patch	10	Tons	\$120.00	\$1,200
Bankrun Gravel Road Bedding	10	CY	\$50.00	\$500
Permanent Stabilization With Grass Seed/Mulch	1	LS	\$500.00	\$500
				<b>\$15,500</b>
			<b>SUBTOTAL</b>	<b>\$46,100</b>
			MOBILIZATION & STAKEOUT (+/-15%, \$52,500 Max)	\$7,000
			CONTRACTOR OH & P (+/-15%)	\$7,000
			<b>SUBTOTAL</b>	<b>\$60,100</b>
			CONTINGENCY (+/-20%)	\$13,000
			<b>CULVERT REPLACEMENT TOTAL</b>	<b>\$73,100</b>

# VISTA DESIGN, INC.

Architects • Engineers • Surveyors • Land Planning Consultants • Landscape Architects • GIS Services

## Ocean Pines Section 1 - 18 Harborview Culvert Installation

Engineering Cost Estimate

October 2, 2019

Item	Quantity	Unit	Unit Cost	Total
<b>STORM DRAINAGE</b>				
15" HPDE Pipe	40	LF	\$50.00	\$2,000
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Remove Existing Concrete Inlet	1	LS	\$1,000.00	\$1,000
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				<b>\$12,700</b>
			<b>SUBTOTAL</b>	<b>\$25,000</b>
			MOBILIZATION & STAKEOUT (+/-15%, \$52,500 Max)	\$4,000
			CONTRACTOR OH & P (+/-15%)	\$4,000
			<b>SUBTOTAL</b>	<b>\$33,000</b>
			CONTINGENCY (+/-20%)	\$7,000
			<b>CULVERT REPLACEMENT TOTAL</b>	<b>\$40,000</b>



## RESOLUTION M-01

### POLICY AND COMPLIANCE PROCEDURES FOR DECLARATION OF RESTRICTIONS AND ARC GUIDELINES VIOLATIONS

1. Purpose. This Resolution establishes policy, assigns responsibilities, and provides procedures to be followed by the General Manager and the Board of Directors for enforcing compliance with the Association's Declarations of Restrictions and the ARC Guidelines.

2. Authority. The Ocean Pines Association derives its authority to establish, enforce, and interpret rules and regulations through its Articles of Incorporation, Declarations of Restrictions (DR's), and Guidelines. These documents address the basic rules necessary to promote the common welfare of Association members. They assign to the OPA Board of Directors responsibility for enforcement of these rules and the authority to delegate part of this task to Association staff and committees. Along with this responsibility is the requirement for clear and consistent enforcement procedures and a policy for their execution.

#### 3. Policy

— a. It is the policy of the Ocean Pines Association to exercise the authority provided above to rigorously and proactively enforce its covenants and restrictions. The enforcement authority shall be exercised, to the extent possible, in a uniform and fair manner based on the approved process and procedures outlined in this resolution. Further, enforcement shall be conducted with due regard to the rights of individual members, particularly with respect to:

— (1) courteous and respectful interchange that encourages voluntary compliance,

— (2) timely and effective notification of all pending actions affecting the issue under consideration, and

— (3) the opportunity to attend meetings where the alleged violation is discussed and to appeal rulings to the OPA Board of Directors.

— b. It is the intent of the Board that the General Manager and CPI staff focus on those violations that significantly detract from the appearance of the surrounding neighborhood, present a health or safety risk, and/or detract from our members' property values.

— c. It is acknowledged that in an association as large as Ocean Pines not all violations will be discovered or processed. The failure, however, to address any given violation shall not restrict the Association from acting on others of the same nature.

#### 4. Responsibilities

a. The Board of Directors (the Board). The Board is responsible to the membership for the overall compliance program. The DR's designate the Board as the deciding authority for authorizing Association employees to enter onto a lot to repair, maintain, and restore it in a manner satisfactory to the Board. The Board is the deciding authority for referral of a member to the Association's attorney to pursue legal action against that member.

~~b. **The General Manager (GM).** The GM is designated as the individual under whose authority the compliance program is to be administered. The GM may delegate any or all of the responsibilities herein included to one or more subordinates and shall provide additional implementing procedural instructions as deemed necessary.~~

~~c. **The Compliance, Permitting, and Inspection Department (CPI).** CPI shall be the point of contact for violations. CPI activities shall include but not be limited to the inspection of properties, receipt of and investigation of complaints, preparation and issuance of notices of violations to members, maintenance of records of complaints and violations, recommendations for the disposition of violations, and preparation of reports and records of violations.~~

~~d. **The Architectural Review Committee (ARC)**~~

~~(1) Shall review violations of the DR's and Guidelines, identified by CPI, provide the member with an opportunity to be heard, and if deemed appropriate, forward the violation to the GM for further action.~~

~~(2) Upon application by a member for a variance or an exception, shall review a violation to determine if sufficient justification exists to grant a variance to the DR's or an exception to the ARC Guidelines.~~

## ~~5. **Definitions**~~

~~a. **Routine Violation.** A Routine Violation is a violation that poses no health or safety risk, and no urgent need exists for immediate correction of the conditions associated with the violation.~~

~~b. **Fast Track Violation.** A Fast Track Violation is a violation that poses a health or safety risk or exhibits the urgent need for immediate correction of the conditions associated with the violation. Repeat violations or concurrent multiple violations, that might not otherwise be in need of immediate correction, may be designated as a Fast Track Violation at the discretion of the GM or a designated representative.~~

~~c. **Formal Notification.** Formal Notification to a member of a violation shall be in writing, by USPS First Class Mail and/or USPS Certified Mail Return Receipt requested as directed in the procedures paragraphs.~~

~~d. **Informal Notification.** Informal Notification is contact with members in person, by telephone, email, etc., to inform the owner of a violation, to obtain additional information if appropriate, to request corrective action, or to determine the member's intent to correct the violation.~~

~~e. **Complaint.** A Complaint is the notification of the CPI Office that a violation of the DR's or ARC Guidelines exists. A Complaint may result from but is not limited to,~~

~~inspection reports by CPI inspectors, in person reports by Association members or residents, telephone calls, email or US Mail.~~

## **6. General Procedures**

~~a. **Initial Complaint.** Upon receipt of a Complaint CPI shall initiate an inspection of the property to determine if in fact a violation exists. If there is a violation CPI shall attempt to negotiate a voluntary resolution of the violation by Informal Notification. If the violation is voluntarily corrected under agreed terms, records of the Informal Notification need not be maintained. If Informal Notification fails to resolve the violation then a Routine Violation or Fast Track Violation, as appropriate, shall be initiated.~~

~~b. **Records.** Records of every Complaint and all actions related thereto shall be maintained by CPI, except as noted in paragraph 6.a. above.~~

~~c. **Inspections.** In the process of evaluating the existence and extent of a violation, CPI inspectors may have need to enter onto a lot to determine whether or not there is, in fact, a violation of the DR's or ARC Guidelines. The General Manager shall establish written procedures to be followed by inspectors. These procedures shall detail documented efforts to obtain permission for inspections prior to entering onto a property. In the event an inspector cannot obtain permission from the owner or an adjoining owner to enter onto a property, the General Manager shall make the decision to authorize entering onto the property to conduct the inspection or to close the file. The decision to enter without the member's permission shall be exercised on rare and limited occasions. Should, however, entering onto a lot be deemed required for such an evaluation, the examination shall be limited to observation and/or documentation.~~

~~d. **Member Notification.** In all cases wherein the ARC or the Board is to review a potential violation with the intent of recommending corrective action, the members shall be informed of this review and shall be notified of their right to be present at that review to present any information regarding the alleged violation.~~

~~7. **Procedures for Routine Violations.** Routine Violations will follow the process described in Addendum A hereto, such process to be modified from time to time as deemed necessary by the GM. All contacts shall be thoroughly documented and become a permanent part of the lot record. If at any point in the process the member seeks a variance or exception the process will be suspended. If the request does not resolve the violation the process will resume at the point of suspension.~~

~~8. **Procedures for Fast Track Violations.** Upon determination that a Complaint is to be designated a Fast Track Violation, the GM will notify the member by USPS First Class Mail and/or USPS Certified Mail Return Receipt requested of all pertinent information of the violation and the intent of the GM to refer the violation to the Board for action. Upon receiving notification of the violation the Board shall make a determination as to the action to be taken to resolve the violation.~~

~~9. **Board Review and Action.** Should the violation not be resolved through the procedures contained in Addendum A, the GM shall present the violation to the Board for its review and action. The presentation shall include, but not be limited to, all the information listed in Addendum B. The Board will take into consideration all facts related to the case, any matters of extenuation and mitigation, and the GM's recommendation. Action to be taken by the Board may include:~~

- ~~\_\_\_\_\_ a. take no action.~~
- ~~\_\_\_\_\_ b. direct the GM to take action by entering onto the property to maintain or repair the property. This may be directed only after a 2/3 vote of the Board and the work may be performed by OPA employees or by contracting for the work as deemed appropriate by the GM.~~
- ~~\_\_\_\_\_ c. contact the member by a letter from the Board or in person.~~
- ~~\_\_\_\_\_ d. send the case to legal counsel for appropriate action.~~

~~10. **Legal Action.** The Board and/or the GM may request our legal counsel to send a letter to the member in an attempt to get the member to correct the violation. Further legal action shall not be initiated until the Board is notified by legal counsel as to the response of the owner, if any, and until the Board has discussed the matter with counsel and receives counsel's advice on the appropriate legal action to be taken.~~

~~11. **Board Report Requirements.** Addendum B, as modified from time to time, contains the reporting requirements needed by the Board.~~

Effective Date: December 16, 2009

Approved by the Board on December 16, 2009

President \_\_\_\_\_ Secretary \_\_\_\_\_

Review History:

General Manager \_\_\_\_\_ Date: \_\_\_\_\_

Legal \_\_\_\_\_ Date: \_\_\_\_\_

By laws and Resolutions Advisory Committee \_\_\_\_\_ Date: \_\_\_\_\_



**Addendum A—Procedures for Routine Violations to Resolution M-01**  
**December 16, 2009**

**Step 1—CPI ‘First Letter’.** (15-Day Letter with evidentiary photos): The 15-Day Letter sent by USPS mail provides the Formal Notification to the member that a violation exists and requires action be taken to correct the violation within 15 days of receiving the letter. In addition the notification shall inform the member of the right to apply for a Variance or Exception from the ARC, if appropriate.

**Step 2 Follow-up 15-day Inspection.** The CPI Department conducts an inspection to determine if the violation still exists.

**Step 3—CPI ‘Second Letter’.** (10-Day Letter): If the violation is not resolved the 10-Day Letter notifies the member by USPS Certified Mail Return Receipt requested and informs the member that, if the violation is not corrected within 10 days of receipt of this letter, the case will be forwarded to the ARC for review. The notification shall inform the member of the right to apply for a Variance or Exception, if appropriate, from the ARC. The notification shall warn the member of potential legal action should the member fail to correct the violation. The notice shall include the date and time of the ARC review.

**Step 4 Follow-up 10-day Inspection.** The CPI Department conducts another inspection to determine if the violation still exists.

**Step 5 ARC Review.** If the 10-day inspection determines the violation has not been corrected the CPI shall notify the member that the violation will be presented to the ARC for review and that the member may appear at that review to present a point of view.

**Step 6—ARC Letter.** If the ARC determines the violation should be pursued, a letter shall be sent informing the member that if the violation is not corrected in 30 days the GM will refer the violation to the Board for action. The notification shall contain the time and date of the Board meeting.

**Step 7—GM’s Review.** If the above steps do not resolve the violation, the GM shall review the violation and present the case to the Board with his recommendation for action.

**Addendum B—Sample Board Reporting Requirements to Resolution M-01**  
**December 16, 2009**

To: \_\_\_\_\_ Ocean Pines Board of Directors  
 From: \_\_\_\_\_ General Manager  
 Subject: \_\_\_\_\_ Request for Compliance Action \_\_\_\_\_  
 Date: \_\_\_\_\_ September 16, 2009

Member Name	John Smith	
Ocean Pines Address & Sec./Lot	100 Sandybrook Road (03/0381)	
Mailing Address	900 W. 14th Street, New Castle, DE 19720	
Phone #(s)	410-208-xxxx	
Violation	Debris throughout front and back yard.	
Violation Reference	Section 8A.1 of DR	
Timeline	1/15/09	Initial Inspection
	1/16/09	CPI 1st letter sent via regular mail
	5/1/09	Follow-up inspection completed
	5/1/09	CPI 2nd letter sent via certified mail (no return receipt) and ARC Meeting Notification for 7/21/09 at 9 AM.
	5/12/09	Follow-up inspection completed; extended violation until 7/2/09
	7/2/09	Follow-up inspection completed; forward violation to ARC
Member Contacted (Yes/No)	Yes—1/19/09: Jim spoke to member—will clean yard (extended violation to 5/1/09)	
Member Notification of ARC Meeting	5/1/09	In 2nd letter to member via certified mail (no return receipt)
ARC Hearing and Results	7/21/09	Sent final ARC letter to member giving them an additional 30 days to clean yard and BOD Meeting Notification for 9/16/09 at 9 AM.
	9/2/09	Follow-up inspection completed—yard is still not cleaned
Notification to Member of BOD Meeting	7/21/09	In final letter to member via certified mail (received 7/31/09)
Matters of Extenuation/Mitigation (history of violations, assessments not paid, foreclosure action, etc.)	3rd violation in 2 years (3/31/08, debris, complied out 1/16/09; 1/16/09, box trailer, complied out 1/19/09)	
Recommendation of Management as to Board Action	Send violation to counsel for legal advice	
Board Decision	Send violation to attorney to send letter to member notifying them that they have 30 days to clean yard, or Ocean Pines Public Works will clean yard and bill member.	

—M-01—B-1

RESOLUTION M-01

POLICY AND COMPLIANCE PROCEDURES FOR DECLARATION OF RESTRICTIONS AND ARC GUIDELINES VIOLATIONS

1. **Purpose.** This Resolution establishes policy, assigns responsibilities, and provides procedures to be followed by the Architectural Review Committee (hereinafter referred to as "ARC") General Manger (hereinafter referred to as GM) and the Ocean Pines Association (hereinafter referred to as "OPA") Board of Directors (hereinafter referred to as Board) for enforcing compliance with the Association's Declarations of Restrictions (sometimes hereinafter referred to as "DRs") and the ARC Guidelines.

2. **Authority.** OPA derives its authority to establish, enforce, and interpret rules and regulations through its Articles of Incorporation, DR's and Guidelines. These documents address the basic rules necessary to promote the common welfare of OPA members. They assign to the Board responsibility for enforcement of these rules and the authority to delegate part of this task to OPA staff and committees.

3. **Policy.** The appeal of Ocean Pines depends on the cooperation of residents, property owners, and any other legally Responsible Parties in creating and maintaining clean and aesthetically pleasing homes and surroundings. Therefore, the privilege of membership and residing in OPA comes with responsibilities.

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a. It is the policy of OPA to exercise the authority provided above to rigorously and proactively enforce its DRs and other rules and restrictions. The enforcement authority shall be exercised, to the extent possible, in a uniform and fair manner based on the approved process and procedures outlined in this resolution. Further, enforcement shall be conducted with due regard to:

(1) courteous and respectful interchanges that encourage voluntary compliance,

(2) timely and effective notification of all pending actions affecting the issue under consideration,

(3) the opportunity to attend an ARC meeting to appeal a violation determination.

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b. It is acknowledged that in a homeowner's association as large as Ocean Pines not all violations will be discovered or processed. The failure, however, to address any given violation shall not restrict or otherwise waive the OPA's ability from acting on other violations of the same nature or otherwise.

**Commented [ 1]:** This reflects my understanding that the ARC will only be hearing appeals, a making determinations on violations. An alternative approach is to allow a member to request an appeal, and then the ARC will schedule a hearing. This would delay the 30 day timeframe period the Board is looking to impose.

4. **Responsibilities**

a. **The Board:** The Board is responsible to the membership for the overall compliance program.

b. **The GM:** The GM is designated as the individual under whose authority the compliance program is to be administered. The GM may delegate any or all of the responsibilities herein included to one or more subordinate OPA staff members. Commensurate with this Resolution M-01, it is understood that the GM is given pre-authorization by the Board to take actions deemed necessary to address health and safety violations and to report such actions taken to the Board, as soon as reasonably possible, by electronic means and to include a summary of the action at the next regularly scheduled Board meeting.

c. **Department or Compliance, Permitting and Inspection ("CPI"):** CPI shall be the point of contact for violations. CPI activities shall include, but not be limited to, the inspection of properties, receipt and investigation of Complaints, determining if a violation exists, preparation and issuance of notices of

**BLRcommentsdec152019**  
**ARC Comments**

violations to lot owner and any other Responsible Party, maintenance of records of Complaints and violations, recommendations for the disposition of violations and preparation of reports and records of violations.

d. The ARC: As further set forth in this Resolution, the ARC shall:

(1) Hear a Responsible Party's appeal of a violation determination as cited by CPI, as provided in [6.c, Step 4](#).

(2) Upon request by a **Responsible Party** for a variance, shall review the request to determine if sufficient justification exists to grant a variance to the DR's or ARC Guidelines.

**5. Definitions**

a. Responsible Party: A Responsible Party is an Ocean Pines Association member or other entity or person in control of real property within the OPA, to include:

- (1) An Ocean Pines Association member, as established in Paragraph 12A of the Declarations of Restrictions; and
- (2) Entity or person, other than a member, who is in control of a lot within the OPA, such as a personal representative or servicer of a foreclosure purchaser.

b. Complainant: An individual or entity that brings a potential violation of the DRs or ARC Guidelines to the attention of CPI.

c. Violation: A violation is a Complaint that has been confirmed by the CPI Department to be in non-compliance with the Declarations of Restrictions or ARC Guidelines.

d. Repeat Violation: A violation of the same or similar cited violation which has been documented and corrected at the same property within a 36-month period.

e. Notice of Violation: A written notification to a Responsible Party of a violation by both USPS Certified Mail-Return Receipt requested and regular mail to the address on record with OPA.

f. Complaint: The notification to or identification by the CPI Department that a violation of the Declaration of Restrictions or ARC Guidelines may exist. A Complaint may result from, but is not limited to, inspection reports by CPI inspectors or in person reports, telephone calls, email or US Mail from Complainants.

g. Substantial Progress: is a signed contract between the Responsible Party and licensed contractor or OPA for correcting the violation with start and completion dates and a dollar estimate for completing the work or, in the case of the Responsible Party self-performing the work, a project plan approved by the ARC and CPI with a start date, completion date and project milestones that can be verified by the CPI.

**6. General Procedures**

a. Records: Records of every Complaint and all actions related thereto are to be maintained by CPI.

b. Inspections: The General Manager shall establish procedures for inspections to be followed by CPI. These procedures should include detail documented efforts to obtain permission from the Responsible

**Commented [ 2]:** If the committee follows some form of my revisions below, I am not sure Addendum A is needed.

**Commented [ 3]:** You may wish to alphabetize the definitions.

**Commented [ 4]:** This definition is confusing. As I mentioned above, foreclosure purchasers have legal title to the property. Paragraph 12(A) of DRs defines members as "Every person who acquires title, legal or equitable, to any lot in the Subdivision..." My preference is just to use lot owner or member. But if you are going to keep responsible party, I have made some changes. Also, OPA can only pursue enforcement in court against the member.

**Deleted:** is

**Commented [ 5]:** We are not sure the intended legal distinction between these two classes of entities are.

**Deleted:**

**Commented [ 6]:** We include regular mail because often certified mail is returned unsigned. Regular mail is sufficient.

**Commented [ 7]:** Do you want ARC to review this?

**Deleted:**

**Commented [ 8]:** Unless there are written procedures, let's not mandate them.

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**ARC Comments**

Party for inspections requiring entry onto a lot, to the extent entry on to a lot is **needed**. When entering onto a lot to conduct an inspection, the purpose of entry shall be limited to observation and/or documentation.

c. Responsible Party Notification: The following steps will be followed by the OPA when a Complaint is received:

**Step 1.** Receipt of Complaint: A Complaint is received.

**Step 2.** Review of Complaint and Violation Determination: A Complaint is reviewed by the CPI to determine if the Complaint is a violation of the Declaration of Restrictions or ARC Guidelines. In determining whether a violation exists, CPI may consult with the ARC, the GM or OPA's legal counsel, with the consent of the GM. Upon determining that that the Complaint constitutes a violation, CPI will proceed with Step 3. If CPI determines that a violation does not exist, such determination will be reflected in the record of the Complaint.

**Step 3.**

**a.** Notice of Violation: If CPI determines that the Complaint constitutes a violation, CPI will send a notice of violation ("Notice of Violation") to the Responsible Party stating: (1) the nature of the violation (with evidentiary photos, if appropriate and exist); (2) if the violation is not corrected or Substantial Progress towards correcting the violation is not underway within thirty (30) days of the date of the Notice of Violation that OPA will proceed with legal action to seek a Court Order to force compliance; (3) the Responsible Party may appeal CPI's determination or request a variance by attending an ARC meeting within thirty (30) days of the date of the Notice of Violation; (4) information on how to contact CPI in order for CPI to verify that the violation has been corrected; and (5) if the violation involves grass, weeds, refuse and /or debris a cost estimate and the contact information necessary for the Public Works Department for the Responsible Party to authorize OPA to correct the violation and bill the Responsible Party.

**b.** The Notice of Violation shall also include the schedule of ARC meetings which will be held within thirty (30) days of the Notice. The Notice shall further give the Responsible Party the option of contacting ARC, within ten (10) days of the date of the Notice, to obtain an agreed alternate date for an ARC appeal. The means by which ARC can be contacted shall be included in the Notice.

**Step 4.** Appeal or Variance Hearing. The Responsible Party shall have the right to appeal CPI's determination or request a variance provided that the Responsible Party attends an ARC meeting within thirty (30) days of the date of the Notice of Violation or such other date agreed to by ARC. If the Responsible Party attends an ARC meeting to request an appeal of CPI's determination or a variance, ARC will provide the Responsible Party the right to be heard on the request at that meeting. After affording the Responsible Party the opportunity to be heard, ARC will render a decision on the appeal or variance request.

**a.** In considering the appeal of CPI's violation determination the ARC may: (1) confirm CPI's determination; (2) overturn CPI's determination; or (3) grant the Responsible Party an extension to remedy the violation.

**BLRCommentsdec152019**  
**ARC Comments**

b. In the event ARC does not (1) overturn CPI's determination, (2) grant an extension, or (3) grant a variance or (3) the Responsible Party does not correct the violation within the timeframe as set forth in the notice of violation, ARC will notify the Responsible Party and the GM of its decision in writing. The notification to the GM shall include the Addendum to this resolution. ARC's determination shall be final.

**\*For Repeat Violations the Responsible Party forfeits its right under this Resolution to appeal CPI's determination to the ARC or request a variance and the GM is authorized to forego Steps 1-4 and proceed with Step 5.**

**Step 5: Court Enforcement Action:** Should the Responsible Party fail to correct the violation or meet the requirements of Substantial Progress within thirty (30) days of the date of the Notice of Violation or within the expiration of any extension period granted by the ARC, the GM will notify legal counsel to begin the process of obtaining a Court Order to force compliance without further notice to the Responsible Party. Prior to referring the matter to legal counsel, the GM may have CPI conduct an inspection to determine that the violation has not been corrected. The GM shall have the authority to confer with the Board on a specific case prior to referring the case to the legal counsel.

**7. GM Action Notification & Reporting:** The GM will notify the Board via email when action is taken and will include a summary of actions taken in the monthly report to the Board. This report shall include (1) the number of Complaints, (2) numbers of Complaints/violations resolved, (3) the numbers of violations sent to GM for referral to counsel, (4) the status of the violations sent to counsel to obtain court orders and the cost of those actions, current and year to date and (5) The GM's request that the Board suspend certain rights of the violating **members** as permitted by the DRs.

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**8. Other Enforcement Action:** Nothing in this Resolution shall limit OPA's other enforcement powers contained in the DRs or at law, including entering a lot to perform maintenance to correct a violation.

**9. Miscellaneous:** This Resolution does not govern the collection of unpaid annual charges or other charges due from members. No delay or failure of the OPA to fully comply with this Resolution shall be held to be a waiver of OPA's rights to take enforcement action for any recurrence or continuation of the violation or the occurrence of a different violation.

Commented [ 9]: This is taken from Paragraph 18 of the DRs.

Effective Date: \_\_\_December XX, 20XX\_\_\_ Approved by the Board on \_\_\_XXX XX, 20XX\_\_\_

President \_\_\_/S/\_\_\_\_XXX\_\_\_\_ Secretary \_\_\_/S/\_\_\_\_ Review History: General  
Manager \_\_\_/S/\_\_\_\_XXX\_\_\_\_ Date: \_\_\_XXXXXX\_\_\_\_

Legal \_\_\_\_\_ Date: \_\_\_\_\_

By-laws and Resolutions Advisory Committee \_\_\_/S/\_\_\_\_XXX\_\_\_\_ Date: \_\_\_xx/xx/20xx\_\_\_

## Michelle Bennett

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**From:** Frank Daly <fdaly@oceanpines.org>  
**Sent:** Friday, December 20, 2019 11:18 AM  
**To:** 'Frank Daly'  
**Subject:** Fwd: M-01 for Legal Review  
**Attachments:** BLRcommentsdec152019.docx

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**From:** Jim and LouAnn Trummel <jetlat@verizon.net>  
**Sent:** Sunday, December 15, 2019 7:03:19 PM  
**To:** Sam &/or Lisa <lisa9sam@verizon.net>; John Viola <jviola@oceanpines.org>; Dino McCurdy <dmccurdy@oceanpines.org>; Steve Tuttle <STuttle@oceanpines.org>; Camila Rogers <crogers@oceanpines.org>; Doug Parks <dparks@oceanpines.org>; Frank Daly <fdaly@oceanpines.org>  
**Cc:** Robert Hiillegass <hillegassr@aol.com>; Audrey Wahl <avjwahl@gmail.com>; Jeff Knepper <jknepper@aol.com>; Keith Kaiser <socalnavywo@earthlink.net>  
**Subject:** Re: M-01 for Legal Review

The attachment includes the comments of the By-Laws and Resolutions Advisory Committee to the suggestions of Jeremy Tucker. The comments are in the form of (1) accepting attorney Tucker's Word document suggestions and (2) entering By-Laws and Resolutions comments to the Tucker draft using the Word review function.

### Additional Comments:

1. The By-Laws and Resolutions comments to 6. Steps 3 and 4 address attorney Tucker's footnote 1 comment. As his draft is written, a full 30 days will be afforded a Responsible Party only if there is an ARC meeting scheduled for 30 days from the date of Notice of Violation.
2. None of the drafts address procedures and documentation, nor is it necessary, for meetings with or without appearance by the Responsible Party, at which ARC determines that a violation is sent to The GM for attorney action. However, the ARC action at those meetings will form the basis for the Association going forward with court action.

Jim Trummel

On Saturday, November 30, 2019, 11:00:57 AM EST, Frank Daly <fdaly@oceanpines.org> wrote:

I want to share the revisions suggested by Counsel to the Work Group and Board Liaisons for your review and Input regarding violations of our DR's.

I am fine with Counsel's recommendations. They provide (IMO) the quickest method for enforcement while preserving due process and minimizing operational and Committee changes.

I would like your input in time for a second reading at the January Board meeting.

Frank

**From:** Tucker, Jeremy M. <jmtucker@lercheearly.com>  
**Sent:** Friday, November 29, 2019 11:38 AM  
**To:** Doug Parks; Frank Daly  
**Subject:** RE: M-01 for Legal Review

Doug and Frank,

Attached is M-01 with my suggested revisions and comments based on our conversation that the plan is to limit ARC's review of violations to appeals of CPI's findings and to hear variance requests. As you will see there are number of revisions. The PDF version is the clean version for ease of readability.

I added comments explaining why I deleted most of the existing language and to raise questions for the Committee's consideration.

I did not revise Addendum A, because I feel that Addendum A is unnecessary if you follow some version of the steps I created. Alternatively, you could pull the steps out in put them in Addendum A.

I removed the timeline because it created a concern about compliance. I feel that the steps achieve the same desire end.

On the Board's role, I have given the GM the discretion to discuss with the Board before proceeding with legal action. I do not want to beat a dead horse, and I fully appreciate the desire to give no wiggle room to violators to create a deterrent effect. This may be prove to ultimately be an effective strategy. And if the cost to file legal complaints is not significant, maybe \$500-\$750 a complaint, then the strategy could be effective and not a huge cost per case if the filing alone archives compliance or results in a default judgement. This is the process that we use to handle collections and we believe that over time there is a positive deterrent effect. But it does take time and expense to achieve the deterrent effect but, even then, members continue to become delinquent. I am not recommending against this policy, and i do believe proceeding to Court will be necessary to get a good number of the violations addressed. In the meantime, the Board should be prepared to absorb the initial costs with implementing this policy. The difference with the collection cases is that we have the right recover attorney fees under all of the DRs.

The attached is not intended to be the final version, rather it is intended to provide the Committee with a revised policy that identifies the issues and clarify the desired process as I understand it.

If you are going to limit ARC's role to hearing appeals, C-02(4)(e) needs to be accordingly. Currently, C-02(4)(e) provides that the ARC is to hear violations and refer the matter to Board. If you have already contemplate this, perfect. If not, maybe something like this:

*"(e) hearing appeals of violations determined by Department or Compliance, Permitting and Inspection."*



I am happy to answer any questions and attend the committee meeting if desired.

Jeremy

**From:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Sent:** Thursday, November 28, 2019 7:19 AM  
**To:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>  
**Cc:** Tucker, Jeremy M. <[jmtucker@lercheary.com](mailto:jmtucker@lercheary.com)>  
**Subject:** Re: M-01 for Legal Review

Jeremy, Frank,

Friday is good for me. I have a call at noon, so anytime before that will work for me. Happy Thanksgiving.

Doug

Sent from my iPad

On Nov 27, 2019, at 4:51 PM, Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)> wrote:

Jeremy,

Friday is fine for me. Have a wonderful Thanksgiving!

Frank

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**From:** Tucker, Jeremy M. <[jmtucker@lercheary.com](mailto:jmtucker@lercheary.com)>  
**Sent:** Wednesday, November 27, 2019 4:45:11 PM  
**To:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>; Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Subject:** RE: M-01 for Legal Review

Gents,

I have made significant revisions to M-01 to capture what I believe the committee's intention is. I have reworked the timeline, removing the days and returning the format to steps, as I believe this better conveys the desired end and allows us to incorporate better everything that you want to convey. The 30-day compliance window is still intact.

Given the number of changes, I would like to review it again over the next few days. Please let me know if this does not work. If you need it ASAP, I can have it to you tomorrow morning, otherwise, I would like to send you a draft on Friday.

If I don't speak to you, Happy Thanksgiving.

---

**Jeremy M. Tucker, Attorney**  
Lerch, Early & Brewer, Chtd. [rise to every challenge](#)  
7600 Wisconsin Ave | Suite 700 | Bethesda, MD 20814  
T 301-657-0157 | F 301-347-1537 | Main 301-986-1300  
[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com) | [Bio](#)

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[www.lercheearly.com](http://www.lercheearly.com)

**From:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>  
**Sent:** Tuesday, November 19, 2019 2:39 PM  
**To:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>; Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Subject:** Re: M-01 for Legal Review

Doug,

Sore today and that is expected. I am actually ahead of what the surgeon expected as far as mobility. Until December 5th I will be using a 'walker'.

Frank

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**From:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Sent:** Tuesday, November 19, 2019 2:35:20 PM  
**To:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>; Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Subject:** RE: M-01 for Legal Review

Frank,

Thanks – how are you feeling after the surgery? Are you confined to a wheelchair for the first week or so, or do they have you on crutches?

==Doug

**From:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>  
**Sent:** Tuesday, November 19, 2019 2:33 PM  
**To:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>; Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Subject:** Re: M-01 for Legal Review

Doug,

Thursday would probably be the better choice as I just got home from the hospital. Let's shoot for sometime Thursday afternoon that works for you and Jeremy.

Frank

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---

**From:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Sent:** Tuesday, November 19, 2019 2:30:23 PM  
**To:** Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Cc:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>  
**Subject:** RE: M-01 for Legal Review

Jeremy,

Noted and agreed.

Frank,

Let me know your availability for a conference call either tomorrow (Wednesday) anytime in the afternoon or Thursday anytime.

==Doug

**From:** Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Sent:** Tuesday, November 19, 2019 10:42 AM  
**To:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Subject:** RE: M-01 for Legal Review

Doug,

Thank you. I have briefly reviewed, and before I start revising, I think a phone call with you and Frank would be beneficial. I would like to better understand what you see the role of ARC and to confirm that you will be proceeding with an injunction on all matters that are not corrected.

**From:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>  
**Sent:** Tuesday, November 19, 2019 10:09 AM  
**To:** Tucker, Jeremy M. <[jmtucker@lercheearly.com](mailto:jmtucker@lercheearly.com)>  
**Subject:** FW: M-01 for Legal Review

Jeremy,

Please review and provide you legal opinion on the attached documents. Let me know if you need to speak with Frank and I and we can set up a conference call if necessary.

==Doug

**From:** Doug Parks  
**Sent:** Monday, November 18, 2019 12:48 PM  
**To:** Frank Daly <[fdaly@oceanpines.org](mailto:fdaly@oceanpines.org)>  
**Subject:** FW: M-01 for Legal Review

Frank,

Just wanted to confirm that the attached documents are the versions you want to be reviewed by Jeremy.

==Doug

**From:** Frank Daly <[fjd@jordanfrank.com](mailto:fjd@jordanfrank.com)>  
**Sent:** Monday, November 4, 2019 3:00 PM  
**To:** Doug Parks <[dparks@oceanpines.org](mailto:dparks@oceanpines.org)>; Steve Tuttle <[STuttle@oceanpines.org](mailto:STuttle@oceanpines.org)>  
**Cc:** [lisa9sam@verizon.net](mailto:lisa9sam@verizon.net); 'Jim and LouAnn Trummel' <[jetlat@verizon.net](mailto:jetlat@verizon.net)>; Directors

<[directors@oceanpines.org](mailto:directors@oceanpines.org)>

**Subject:** M-01 for Legal Review

The revisions to M-01 with the Committee input and the suggestion made at the meeting by Director Janasek are attached and ready to be sent to legal counsel for their review.

I have also copied the Chairs or the ARC and Bylaws & Resolutions Committee in order for them to share this information with their respective committees.

From the questions submitted by the Bylaws & Resolutions Committee one, perhaps two issues with M-04 remain. The questions posed were..

a. The chair of the Committee explained that M-04 was a combination of two predecessor resolutions 2-96-22 (grass or weeds) and 2-01-24 (refuse and debris). The chair further indicated that each of these resolutions clearly indicated that the OPA Right to Perform Certain Maintenance provision in DR's was being used to enforce the applicable DR provision regarding grass/weeds and refuse/debris and each resolution expressly contained reference to a 2/3rds majority approval of the resolution. The chair stated that the failure to use this approach in M-04 was a mistake and should be rectified in the M-04 First Reading. Director Daly then indicated it was the collective approach of staff, OPPD and Association Counsel that entry on property would not be done without judicial approval. In view of that as a policy, the Committee recommends M-04 be rescinded (repealed) and not amended as proposed in the First Reading.

b. The apparent no entry policy effectively sets aside use of the DR provision for OPA Right to Perform Certain Maintenance. Should this policy be expressed in M-10?

I believe counsel should weigh in on this issue. The input from Public Works and the Police is that they do not want to go onto a property without a court order. I believe we should state that as a policy AND simultaneously reword M-04 to address the issues in item a (above) to preserve the right of the Board to authorize the GM to enter a property. If counsel agrees I address adding 2-96-22 and 2-01-24 into the second reading of M-04 rather than rescind it.

Frank

Frank J. Daly

President

Jordan Frank & Associates

[www.jordanfrank.com](http://www.jordanfrank.com)

410-790-2677

[fjd@jordanfrank.com](mailto:fjd@jordanfrank.com)



# OCEAN PINES ASSOCIATION, INC.

## Second Reading

**DATE:** January 4, 2020

**TOPIC:** Amendment to Resolution B-01

**FOR INCLUSION IN MEETING HELD ON:** January 4, 2020

**SUBMITTED BY:** Camilla Rogers

The purpose of this Second Reading is to approve amending Resolution B-01 by adding the Attachment described below and in the redline draft attached. The By-Laws and Resolutions Advisory Committee has not received any comments regarding the proposed amendment or the First Reading at the December 4, 2019 meeting of the Board.

The proposed Attachment describes the process for amending resolutions and expands on information in the text of B-01.

Paragraph 3.c is added to the text of the B-01 as a reference to the proposed Attachment.

The intention to amend B-01 was included in the 2019 Annual Report of the By-Laws and Resolutions Advisory Committee.

DRAFT October 5, 2019  
First Reading

**RESOLUTION B-01  
BOOK OF RESOLUTIONS**

**WHEREAS**, Section 5.14 (k) of the Bylaws of Ocean Pines Association, Inc., directs the Board of Directors to establish procedures for the adoption and publication of Board Resolutions to be included in the Book of Resolutions and make such records available for inspection by members of the Association; and

**WHEREAS**, Section 6.06 (c) (2) of the Bylaws of Ocean Pines Association, Inc., requires the Secretary to maintain a Book of Resolutions;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF OCEAN PINES ASSOCIATION, INC.**, there shall be established and maintained a Book of Resolutions which shall contain copies of principal governing policies and procedures adopted by the Board of Directors arranged in an orderly and indexed system.

**1. Classification of Resolutions.** Resolutions adopted by the Board of Directors shall be classified as follows:

**a. Board Resolutions (B).** Resolutions that relate to internal Board of Directors matters, how meetings of the Board and OPA members are conducted, and petitions to the Board.

**b. Committee Resolutions (C).** Resolutions that relate to how Committees and Board appointed Ad Hoc Committees conduct business.

**c. Financial and Budgetary Resolutions (F).** Resolutions that relate to financial, investment, and budgetary policies and procedures.

**d. General and Administrative Resolutions (M).** Resolutions that relate to internal policy, rules of the Association's amenities, and compliance rules and procedures related to the Governing Documents.

**2. Book of Resolutions Format.** The Book of Resolutions shall contain a section for each of the classifications listed in paragraph 1. Each Resolution shall contain the effective date of the Resolution and the date of the latest revision. When a Board Resolution is repealed in its entirety, the number and title of the Resolution shall remain in the index of the Book of Resolutions with the date of repeal. Resolutions no longer in effect shall be retained separately for historical and legal purposes.

**3. Procedures for Introducing, Approving, and Repealing Resolutions**

DRAFT October 5, 2019  
First Reading

a. **Notice and First Reading.** A proposed Resolution, including amendment to or the repeal of an existing Resolution shall require consideration by the Board of Directors during at least two open meetings of the Board. The First Reading shall be at a regular meeting of the Board. First Reading submittal is not by motion. The proposal shall appear on the agenda of each meeting of the Board of Directors at which it is to be considered. Copies shall be distributed to each member of the Board of Directors and made available to OPA members with the notice of the agenda that is released to the membership before each meeting. Revisions to the proposed Resolutions may be made at the first meeting at which it is considered, or at any subsequent meeting, but the proposed Resolution cannot be adopted at the first meeting at which it is considered.

b. **Resolution Action Responsibility.** The Board member who submits a Resolution action for First Reading is responsible for providing a sufficient description of the action. If action is subsequently approved, the Board member is responsible for providing the Secretary with a final copy for signature approval.

c. **The Attachment to this Resolution provides directions for resolution amendments.**

d. **Adoption of Resolution Actions.** At any special or regular open meeting of the Board of Directors subsequent to the first meeting at which a proposed Resolution action has been introduced, the Board may adopt the Resolution on a Second Reading, including amendments duly proposed and voted on, provided the proposed Resolution is included in the published agenda and lot owner comments are permitted before the Resolution is acted upon. The consideration of a Resolution action may extend beyond the Second Reading meeting, if necessary.

Deleted: c

e. **Adoption by the Board of Directors.** If a proposed Resolution or action on an existing Resolution is adopted, it shall be recorded in the Board Minutes and filed in the Book of Resolutions. The Secretary of the Association shall obtain the required signatures for an adopted Resolution action and verify that the original signed copy is filed in the Book of Resolutions.

Deleted: d

#### 4. **Applicability.**

a. **Duration.** Unless specified in the Resolution, Resolutions remain in effect until repealed or amended. Any Resolution due to expire shall be brought to the Board of Directors by the Secretary for consideration. If, at the meeting when the expiring Resolution is reviewed, there is a need for continuance of the action and there are no proposed amendments of a substantive nature, the Board of Directors may re-adopt the Resolution.

b. **Consistency.** The Bylaws and Resolutions Advisory Committee shall assist the Board by reviewing all new Resolutions and any amendments to existing Resolutions for consistency with



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First Reading

the Ocean Pines Declarations of Restrictions, By-laws, Articles of Incorporation, Turnover Agreements, and applicable Maryland law.

c. **Resolution Review.** The Bylaws and Resolution Advisory Committee shall establish the entity responsible for each Resolution and a schedule of due dates for a review of the Resolution purpose. If an amendment to an existing Resolution is recommended, it is the responsibility of the entity making the recommendation to prepare the documentation, including a red lined draft, for Board review.

d. **Legal Review.** Legal Review of proposed Resolutions or amendments thereto is not required before adoption by the Board of Directors. The By-laws and Resolutions Advisory Committee may recommend that the advice of Counsel be obtained prior to Board action on a Resolution.

5. **Availability of Resolutions.** The signed copies of Resolutions shall be the official Book of Resolutions. The Book of Resolutions shall be maintained in the Association offices and be available to any member of the Association or the duly authorized agent of such member at any reasonable time. A reasonable fee may be charged for providing copies.

6. **Effective Date:** \_\_\_\_\_

Adopted by the Board of Directors on \_\_\_\_\_

\_\_\_\_\_ President      Attest \_\_\_\_\_ Secretary

Review History.

General Manager \_\_\_\_\_ Date: \_\_\_\_\_

Legal \_\_\_\_\_ Date: \_\_\_\_\_

By-laws and Resolutions Advisory Committee \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENT

### Resolution Amendment Procedures

**Purpose:** The purpose of these procedures is to provide a standard and consistent method for all Ocean Pines Appointed Committees and the Board of Directors to make changes to any Resolutions within their scope of responsibility. The goal is to supplement and clarify the procedures outlined in Resolution B-01. Any questions regarding these procedures should be directed to the Chair of the By-Laws and Resolutions Advisory Committee.

**1. Application:**

- a) All Appointed Committees should review their assigned Resolution(s) at the time the Committee is preparing their annual Committee report or whenever the Committee sees the need for changes to a Resolution.
- b) All resolutions assigned to the Board of Directors or the various Departments within Ocean Pines, should be reviewed annually or whenever the need for a change is required.

**2. Origination:**

- a) When it is determined that a change is required, the Committee Chair, or responsible individual (hereafter known as the originator) should review the proposed change with the **Board Liaison** to gain any additional input regarding the proposed changes.
- b) The Committee Chair, or the originator, should then prepare a "Dated Red Line Mark Up Copy" of the existing resolution denoting the additions, deletions or changes required with the date of submission included.
- c) The Committee Chair, or the originator, should then provide a copy of the "Dated Red Line Mark Up Copy" to the **Board Liaison**.

**3. First Reading:**

- a) The **Board Liaison** should have the request for the proposed Resolution change(s) added to the Ocean Pines Board of Director's meeting agenda for the first reading.
- b) Prior to the scheduled Board meeting, the Board Liaison will provide all Board Directors with a copy of the "Dated Red Line Mark Up Copy" for their review (as defined in Resolution B-01).

DRAFT October 5, 2019  
First Reading

**4. First Reading Results:**

- a) **In the event the Board rejects the first reading, the Board Liaison** will advise the Committee Chair or the originator accordingly.
- b) **In the event the Resolution changes are accepted as a first reading** by the Board, the "Dated Red Line Mark Up Copy" is to be forwarded by the Board President to the Chair of the By-Laws and Resolutions Advisory Committee. **Note:** If the Board makes any changes to the Resolution at the first reading, any changes should be added to the "Dated Red Line Mark Up Copy" and include the date those changes were made.

**5. By-Laws & Resolutions Advisory Committee Review:**

- a) When the Chair of the By-Laws and Resolutions Advisory Committee receives the required Board notification of the first reading along with the "Dated Red Line Mark Up Copy", the Chair will add the Resolution to the agenda under New Business for the next scheduled Committee Meeting.
- b) The By-Laws and Resolutions Advisory Committee will review the proposed changes for consistency with the OPA Declarations of Restrictions, Articles of Incorporation, Turnover Agreements, applicable Maryland law, and previously adopted Resolutions.
- c) **If no conflicts are found**, the By-Laws and Resolutions Advisory Committee Chair will return the "Dated Red Line Mark Up Copy" to the Board President, with a copy to the appropriate Committee Chair or the originator advising that the changes have been reviewed and that the Resolution is ready for the second reading.
- d) **If conflicts are found**, the By-Laws and Resolutions Advisory Committee Chair will advise the Board President, with a copy to the appropriate Committee Chair or the originator of the conflict(s) and, as appropriate, provide guidance to eliminate any conflicts.

**6. Second Reading:**

- a) The originating committee will apply the necessary changes to eliminate any conflicts.
- b) This is in accordance with Resolution B-01, Section 4. (c), "If an amendment to existing Resolution is recommended, it is the responsibility of the entity making the recommendation to prepare the document, including the Red Line Draft for Board Review" and providing the Secretary with a signature copy of any approved action (B-01, paragraph 3.b). The Secretary shall verify that the original signed copy is filed in the Book of Resolutions.



# OCEAN PINES ASSOCIATION, INC.

## PROPOSED DISCUSSION TOPIC

FOR

THE BOARD OF DIRECTORS

**DATE:** January 4, 2020

**TOPIC:** First Reading of Revised M-06, and Attachments

**FOR INCLUSION IN THE BOARD MEETING ON:**

**SUBMITTED BY DIRECTOR:** Steve Tuttle

**CONCISE STATEMENT:** Resolution M-06 has been revised by the Ocean Pines Election Advisory Committee to clarify two primary concerns:

1. Clarify what constitutes validation of the election results
2. To allow the Candidate Forum moderator to ask candidates questions in a random order

**BACKGROUND:** There has been a question raised as to when and how the election results are validated. The revisions address the question on page 7 by stating that the act of presenting the results will validate the results in accordance with the By-Laws. See page 7.11.a

The reference to the seating of candidates is removed from Attachment C, 3.b.2.b (see p. 11)

Remove the statement about "Question responses shall begin with the candidate seated in the first position..."4.d.3

Replace it with the following..."The sequence of selecting the order in which candidates address the questions is left to the discretion of the Committee provided that all candidates are asked the same questions."

## RESOLUTION M-06

### ELECTIONS AND REFERENDUMS PROCEDURES

I. Purpose. This Resolution establishes the procedures for the election of members to the Ocean Pines Association (Association) Board of Directors and voting on Association referendum issues.

#### 2. Authority

- a. Section 4.08 of the By-laws of the Association establishes the manner in which referendums are conducted.
- b. Section 5.02 of the By-laws establishes the manner in which individuals become eligible candidates for the Board of Directors and their name placed on the ballot.
- c. Section 5.03 of the By-laws establishes the manner in which elections to the Board of Directors are conducted.
- d. ARTICLE III of the By-laws establishes the voting rights of Association members.
- e. ARTICLE X of the By-laws gives the Board of Directors the authority to establish committees prescribed in the Charter and By-laws. Resolution C-08, Elections Committee, establishes additional instructions and authority for the Elections Committee.

#### 3. Definitions

- a. Ballot. A ballot documents choices made by voters.
- b. Board Liaison. A member of the Board of Directors designated by the Board to act as liaison between the Elections Committee and the Board
- c. Chance. A game of chance conducted by the Election Committee Chairperson to resolve any final tie vote for a vacancy on the Board of Directors, consistent with Section 5.03 (e) By-Laws.
- d. Contractor. A company contracted to perform services for the election and referendum process.
- e. Elections Committee. A Board Appointed Committee with the operational responsibility of administering the elections and referendum processes.
- f. Eligible Candidate. An eligible candidate is an Association member who meets the By-laws requirements for election to the Board of Directors and declares himself or herself to be a candidate.

g. Eligible Member. An eligible member is an Association member who meets the Bylaws requirements for voting in Association elections or' referendums.

h. Section. In this Resolution, the term Section refers to a section in the By-laws of the Association.

i. Secretary. The Secretary is a member of the Board of Directors and officer of the Association as defined in Article VI of the By-Laws.

4. General. Elections and referendums are conducted by the Elections Committee (Committee). The Chairperson of the Committee (Chairperson), assisted by Committee members, shall be responsible for scheduling and executing the effort required for elections and referendums. A schedule of events for an election and/or referendum shall be established and revised when necessary. The schedule shall be available to Association members. This effort shall be accomplished in a manner that supports the election and referendum processes established in the By-laws. The procedures used by the Committee are contained in three attachments to this Resolution.

a. Attachment A. This attachment establishes the procedures applicable to the elections to the Board of Directors and referendums.

b. Attachment B. This attachment identifies those procedures for referendums which supplement the requirements of Attachment A.

c. Attachment C. This attachment establishes the procedures for orienting candidates for election to the Board to the election process. It also includes the procedures for Association sponsored Candidates' Forums. This attachment supplements the requirements of Attachment A.

St Candidate Applications. The process through which members qualify for a place on the ballot for the election of directors is contained in Section 5.02 of the By-Laws.

a. When the list of eligible candidates submitted to the Committee is less than two more than the vacancies to be filled, Section 5.02(e) of the Bylaws directs the Board to attempt to solicit additional candidates. The Board shall announce that additional candidate applications may be submitted by those members who wish to submit their name as additional candidates for election to the Board of Directors. Only those candidate applications received by the Secretary prior to the end of Association regular business hours on the third Friday of June shall be considered as an eligible additional candidate. b. The eligible additional candidates will be included in all of the Association election publication and materials produced by the Association following the business hours on the third Friday of June. Additional candidates shall receive from the committee the same package of election information as previously accepted candidates

6. Storage of Election Materials Records and Voting Equipment. Election materials, and voting equipment shall be stored in a manner that is accessible only to the Committee as well as those Association staff personnel designated by the General Manager. The General Manager is responsible for making suitable storage space available.

7. Elections Report. The Chairperson shall submit to the Board of Directors, within thirty (30) days of any voting by ballot, a written report, which includes the following:

- a. Detailed results of the voting.
- b. Problems encountered with the tabulating and reporting system and any assistance required.
- c. A summary of Committee activities during the reporting period and any recommendations for improving the election or referendum process.
- d. Recommendations, if any, for the calendar of events for the next election if the balloting was for the election of directors.
- e. Comments on the capabilities of the contractor used and a recommendation regarding future use of the contractor or suggested alternatives.

Effective Date:

Approved by the Board of Directors on:

President:

Attest:

Secretary

Review History:

General Manager:

Date:

Legal:

Date:

By-Laws & Resolutions Adv. Committee:

Date:

ATTACHMENT A ELECTIONS AND REFERENDUMS VOTING PROCEDURES

1. Purpose. This Attachment establishes the procedures for the election of members to the Board of Directors and/or voting on referendum issues by members of the Association,

2. Voting by Mail. The voting for directors and on issues submitted to a referendum is conducted by mail-in ballots.

a. Only a single voting package is sent for each lot or unit eligible to vote. This applies to all joint owners of a lot or unit, including cotenants, joint tenants and tenants by the entireties.

b. The voting package shall be addressed to all owners of record at the billing address used for the Association annual charge mailing.

3. Voting Deadline. The deadline for returning ballot envelopes for the election of directors, and for referendum issues being voted on at the same time as same Board election, shall be the regular closing time of Association business on the Wednesday before the annual meeting of the members in August.

4. The annual meeting is held on the second Saturday in August of each year. The deadline for any other referendum vote will be established by the Committee.

4. Elections Materials. The Committee, with the Secretary, shall prepare elections materials. This includes, but is not limited to:

a. Establishing the information required to be on the ballot for both Board elections and/or referendums. Separate ballots shall be used for the election of directors and referendum issues when both are being voted on at the same time. Ballots shall be suitable for counting using the tabulating and reporting system.

b. Ballots for the election of directors will not make provision for write-in candidates,

c. Other materials that may be included in the voting package.

- For a Board election, each candidate will provide a written informational/biographical statement not to exceed 200 words to be included in the voting package. To be included in the election materials candidates must submit their statement in hard copy and electronically as a Microsoft Word format or PDF file.
- Proxies, when included in voting packages, shall comply with Section
- 3.03 of the By-Laws. Directed proxies shall be used for voting on issues included in the meeting notice. Only those proxy forms approved by vote of the Board of Directors are valid.



- Proxy forms for establishing a quorum, once approved by the Board of Directors, do not require re-approval for subsequent elections.
- The voting package shall include the ballot and instructions which indicate the marking and return of including the date and time when ballots must be received,
- The voting package shall include instructions on how to obtain a duplicate ballot.
- The voting package shall include an elections telephone number through which Association members may communicate with the Committee.

d. The Committee shall approve all materials for inclusion in voting packages that have been prepared by the Contractor. Copies shall be retained by the Committee for one (1) year,

5. Elections Contractor. The Association will employ an independent contractor, via a written contract, to provide services during the election and/or referendum processes. The written contract shall be approved by the Election Committee and signed by the Association General Manager or Association Board President. The Committee shall be responsible for supervising the performance of these services in a manner that supports the election or referendum process. If there are delays or events that may have an adverse on the election process, the Board Liaison shall be promptly notified.

6. Balloting Process

- a. The Committee shall submit election materials to the Secretary no later than the first Friday in July (Section 5.03(b) of the Bylaws).
- b. The Chairperson shall be responsible for delivering to the Contractor the information necessary to mail voting packages to eligible members. This information shall be obtained from the Association's Assessments and Membership Office. The information shall be in a form that supports the mailing of ballots to a member who owns multiple properties. The Committee shall retain a copy of the mailing information delivered to the Contractor.
- c. The Secretary, assisted by the Chairperson, is responsible for ensuring that voting packages are timely mailed by the Contractor in accordance with Section 5.03(b) of the Bylaws for elections of directors and referendum issues in the same election and Section 4.08(b) of the Bylaws for referendum issues only.

d. An elections telephone number shall be established through which Association members may communicate to the Committee their questions or concerns about the election or referendum process. The Committee shall maintain a log of communications received and action taken.

7. Receipt of Ballots by Contractor

The Contractor shall open all envelopes returned by the deadline and separate the ballots from the envelopes, except for those marked as duplicate (see paragraph 8 below). Ballots shall be stored in a manner that prevents identification of the ballot to the envelope in which it was returned. Envelopes marked as duplicate shall be delivered to the Committee, unopened and separate from other ballots, when ballots and opened envelopes are delivered to the Committee after the deadline for return of ballots.

a. At the time designated as the deadline for return of ballots, the Contractor shall make a final collection of ballot envelopes and prepare all ballots for return to the Committee.

b. Ballot envelopes returned after the deadline, or in envelopes other than those provided in the voting package, will not be opened or counted toward any vote. These late envelopes shall be date stamped by the Contractor, bundled separately, and delivered to the Committee.

c. The Committee may establish secure boxes at Association facilities where ballot envelopes may be deposited without the need for return mailing. These ballot envelopes shall be collected by the Contractor.

8. Issues Requiring a Duplicate Ballot. Reports that a voting package has not been received shall be promptly addressed by the Committee, if warranted, a duplicate voting package shall be mailed to the member by First Class mail or signed at the Association's office. The return envelope shall be marked to indicate that it is a duplicate. A record of the duplicate voting packages, whether mailed or picked up by the member, shall be maintained by the Committee for one (1) year.

9. Counting Ballots. It is the responsibility of the Committee to count the ballots. The ballot counting operation may be observed by any association member. Association members may witness the ballot counting process but will not be privy to vote totals during the counting process nor engage in any way with the ballot counting process, Election Committee, consultants or Association staff. The ballot counting will be conducted in a room of sufficient size to accommodate the process and Association Members wishing to observe the count, The Committee may request the assistance of a computer consultant and designated Association staff.

a. A tabulating and reporting system shall be used to count ballots.

b. Prior to ballot counting, the Committee shall verify that an original mailing ballot has not been received that matches the property of a duplicate ballot. If there is no match, the duplicate envelope is opened and the ballot included with those to be counted. If there is a match, the duplicate envelope remains unopened and the ballot is rejected.

c. In the event the tabulating and reporting system fails; a manual count shall be performed under the direction of the Chairperson. Ballots rejected by the system shall also be manually counted. When ballots are manually counted, only those on which the members' choice(s) are clearly indicated shall be included in the results.

d. Ballots shall be voided for the following reasons:

- i. There are votes for more Board candidates than vacancies.
- ii. The use of an improper ballot return envelope.
- iii. The ballot is not marked.
- iv. Extraneous or non-relevant markings on the ballot.

e. Two original copies of the final vote count shall be prepared, certified (signed and dated) by the Chairperson. The final vote count will be attested to by the Election Committee members present. Upon attestation of the final vote count the results will be announced live on the OPA internet stream and/or TV, emailed to the Board of Directors, emailed to all candidates, and posted on the Ocean Pines Association website.

f. Ballots shall be bundled and placed in a secure container with bundles of ballots not counted clearly identified. Ballots and return envelopes shall be retained for one (1) year from the announcement of the election or referendum results.

10. Voting at Meetings of Members of the Association. The Committee shall tally the votes at meetings of members in accordance with Section 3.05 of the Bylaws and report the results to the Presiding Officer at the Annual Meeting.

11. Presentation of Voting Results at the Association Annual Meeting

a. At the annual meeting of members, the Election Chairperson or designated committee member shall present in person the results for the election of directors and any referendum issue on the ballot. A copy of the certified results shall be included in the minutes of the Annual Meeting. The act of presenting the election results will accomplish the validation required by By-Laws 4.02(a).

b. If the annual meeting is not held for lack of a quorum or other reasons, the results of the election of directors are presented in person by the Election Committee chairperson or designee to the Board of Directors to be validated by the Board (Section 4.02(b)).

c. A candidate may request a recount at the annual meeting. The Board is responsible for resolving any request for a recount (Section 5.03(e) By-laws).

12. Tie Votes. A tie vote for a vacancy on the Board of Directors is to be resolved by chance (Section 5.03(e) of the By-laws), The method of chance used is as follows and shall be conducted by the Chairperson:

- a. One suit from a standard deck of cards, excluding jokers, shall be selected.
- b. The cards in the suit shall be shuffled and displayed by the Chairperson such that the tied candidates are unable to see the face of the cards.
- c. Each of the tied candidates shall select one card.
- d. The candidate with the high card wins. Ace is high with the remaining cards descending down through deuce.

## ATTACHMENT B REFERENDUMS

1. Purpose. This Attachment establishes Committee procedures for voting on referendum Issues.

2. General. Section 4.08 describes the manner in which an issue proceeds to a decision in a referendum. This Attachment identifies those parts of the referendum process which are in addition to the election process in Attachment A.

3. Election Materials. It is the responsibility of the Board of Directors to provide the Committee with information for referendums as specified in Sections 4.08 a and b.

a. Board Initiated Referendum. The statement of the Board of the action to be voted on shall be expressed in a manner that permits a vote of YES or NO. If the statement from the Board is not expressed in this manner, it shall be returned to the Board for action.

b. Referendum Initiated by Petition. The proposal, from the petition, to be placed on the ballot must be expressed in a manner that permits a vote of YES or NO. If it is not expressed in this manner, the petition shall be returned to the Board for action.

4. Mailing and Return Dates. When a referendum is not included in the materials for an election of directors, the dates for mailing referendum materials and the voting deadline shall be in compliance with the By-laws provisions for establishing member eligibility (Section 3.01 (c) of the By-laws) and referendum ballot mailing (Section 4.08(b) of the By-laws). The voting deadline date and ballot counting date shall be determined by the Committee.

5. Voting Results. If there is no meeting of members or Board meeting, the agenda of which includes announcement of referendum results, the results shall be announced in accordance with direction from the Board. Prior to any announcement, the Chairperson shall certify the results in writing to the President.

ATTACHMENT C

CANDIDATES FOR ELECTION TO THE BOARD OF DIRECTORS

1. Purpose. This Attachment establishes the procedures followed by the Committee in the preparation for, and conduct of, election events directly involving candidates.

2. General

a. The Committee is responsible for scheduling Candidates' Forums to occur before the mailing of voting packages for Association members.

b. The Committee will work with designated Association staff in obtaining and publishing information about the Candidates and the Candidates' Forums.

3. Information for Candidates

a. Upon receipt of the list of eligible candidates (Section 5.02(d)) from the Secretary, the Committee shall provide to each candidate:

(1) A schedule of important dates relating to the election.

(2) A request for the following to be included in the Ocean Pines Association Board of Directors Election Edition:

a. A two hundred (200) informational/biographical statement for serving on the Association Board in a Microsoft Word electronic format or PDF format.

b. Answers to 3 questions provided to the candidates by the Elections Committee. Answers shall be limited to two hundred (200) words maximum per question and provided in a Microsoft Word format or PDF format.

c. A request that the candidates arrange to have a photograph taken by the Association staff.

(3) A copy of Resolution M-06 Election and Referendum Procedures.

(4) Excerpts from ARC Guidelines regarding sign regulations.

b. Within ten (10) days of receipt of the list of eligible candidates the Committee shall meet with the candidates or their representatives for the following purposes:

(1) Answer any questions the candidates may have concerning the election process and Candidates' Forums,

(2) Conduct a blind draw that determines the position of the candidates on the ballot and seating position at Candidates' Forums.

(a) Candidates shall draw numbered slips. Number 1 (one) shall be the first position on the ballot, number 2 the next position, and so on through the full list of candidates.

(3) Each candidate shall be asked to specify how he or she wants their name to appear on the ballot, including its spelling.

(4) Each candidate shall be asked to specify a phone number and e-mail address for publication in Association media.

(5) Additional Candidates (Section 5.02(e)), if any, shall be placed on the ballot below the prior list of eligible candidates (Section 5.02(d)) in the order their applications were received by the Secretary. Additional Candidates, if participating in the Candidates' Forums, shall be seated in positions following the previously identified eligible candidates in the order their applications were received by the Secretary.

**Deleted:** <#>Seating of candidates at the forum will be assigned by the elections committee and may vary if multiple forums are conducted.¶

4. Candidates' Forums. The Committee shall organize, conduct, and supervise the Association Sponsored Candidates' Forums. Each Forum shall be at an appropriate location, with ample seating, within Ocean Pines.

a. Chairperson. The Chairperson shall conduct the Candidates' Forums. It is the responsibility of the Chairperson to coordinate room setup and other necessary facilities and equipment with Association staff designated by the General Manager.

b. Candidate Seating. ~~Seating of candidates at the forum(s) will be assigned by the Committee and may vary if multiple forums are conducted.~~

**Deleted:** Candidates shall be seated as determined in 3.b. (2) (b) of this Attachment.

c. Opening Statement. Each candidate may make an opening statement limited to three (3) minutes. Statements shall begin with the candidate seated in the first position.

d. Candidate Questions

1. The Committee shall develop questions to ask the candidates. The number of questions asked, including those from member attendees, shall at least equal the number of candidates. The Chairperson may set aside a period of time in which the Candidates have equal opportunity to question each other.

2. The Committee shall announce in Association media that questions from members are being accepted either on the elections telephone number or an email address designated in the announcement. These questions will be asked of the candidates as time permits.

3. The sequence of selecting the order in which candidates address the questions is left to the discretion of the Committee, provided that all candidates are asked the same questions.

4. Question responses shall be limited to two (2) minutes.

e. Closing Statement. At the conclusion of questioning, each candidate may make a closing statement limited to three (3) minutes in the same order as the opening statement.

f. Timekeepers. Prior to the start of the forums, the Chairperson shall appoint one or more timekeepers to time the opening and closing statements and the question responses. The candidates will be advised of how they will be signaled when thirty (30) seconds remain in their allotted time. The candidates may not reserve or accumulate time allotted for question responses or opening and closing statements.

**Deleted:** <#><object>Question responses shall begin with the candidate seated in the first position and proceed in order through all the candidates. Subsequent question responses will start with the candidate in the next position and the rotation of the first candidate to respond shall continue in that order and from question to question.¶

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# OCEAN PINES ASSOCIATION, INC.

239 OCEAN PARKWAY  
OCEAN PINES, MARYLAND  
21811

*Architectural Review Committee*

## *Guidelines*

August 2006 UPDATE

Revised  
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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) was formed and named in 1968. 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 Declaration(s) of Restrictions references the original name for the Committee, these Guidelines utilize the newer name unless directly quoting the Declaration(s) of Restrictions.

In these Guidelines, the responsibilities for specific areas of the Guidelines fall to both the Architectural Review Committee, herein call the Committee, or the Compliance, Permits, and Inspections Department staff, herein call the CPI Department. The CPI Department is a paid staff of professionals that handle the day to day requests for information, application permits and variance requests, and inspections. It is also the responsibility of the CPI Department to issue letters when violations of the Declaration(s) of Restrictions and the ARC Guidelines are determined to have occurred.

Each individual Section of the Community has its own Declaration of Restrictions that must be followed. Both these Guidelines and the individual Declaration of Restrictions for the appropriate Section must be reviewed in order to insure complete compliance with all applicable requirements.

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

IN SOME 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 authorizes the **Architectural Review Committee** (hereinafter referred to interchangeably as the **“Committee” or "ARC"**) to implement certain portions of the Restrictions and the Guidelines. The Committee has recommended and the Board of Directors has approved these Guidelines. Reasonable consideration has been given to the character of each separate Subdivision (Section) of the Community and to the encouragement of orderly development of the Community as a whole.

**B. Public Health, Safety, and Welfare.** The primary consideration in the adoption of these Guidelines is to ensure owners and their guests maximum enjoyment from the use of the common elements in relation to their lots and protect, preserve, enhance, and perpetuate maximum property values and aesthetic character consistent with the health, safety, and general welfare of the owners within the community. The Guidelines are subject to change by the Committee, with concurrence by the Board of Directors at any time with thirty (30) days prior notice so long as the changes are consistent with the Declaration(s), By-Laws and plats.

**C. Restrictions.** All actions of the Committee shall be guided by the purpose contained in the Objective and Design Requirements herein, by the **Ocean Pines Declaration(s)** 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 Committee will apply the stricter of the setbacks described. The Restrictions require that any structure to be erected, or improvement to be made, on a numbered lot in Ocean Pines shall require approval in writing from the CPI Department before any work can begin. However, property owners are individually responsible for compliance with the Worcester County Zoning Ordinance.

**D. Permits.** Permits are issued by the Committee and are required before any structure can be erected on any numbered lot in Ocean Pines. The permitting process begins by submitting an application (from the CPI Department) and paying fees and other charges as may be required.

**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. Variances to the Declaration(s) of Restrictions.** Variances from any restriction will first require Committee approval and subsequent approval (if necessary) from the Worcester County Board of Zoning Appeals. ~~Section 9 of the Declaration of Restrictions states-~~The Committee may allow 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 purpose 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. As a courtesy, and at the discretion of the Committee, notification to adjacent property owners will be made and the adjacent property owners' comments requested.

**H. Exceptions to the Guidelines.** An exception to the Guidelines is not a variance, which only refers to adjustments to restrictions found in the Declaration(s) of Restrictions. An exception refers strictly to items found only in the Guidelines, such as height criteria or buildable area. The Committee will consider an exception to the Guidelines when the request will not be materially detrimental or injurious to adjacent properties ("does no harm"), **to the best of their knowledge** does not exceed any Worcester County Codes, meets the needs of the owners, and makes sense. As a courtesy, notification to adjacent property owners may be made and the adjacent property owners' comments requested.

### **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 land forms and native vegetation, and with approved or proposed development plans, if any, 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 styles 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 Committee necessarily requires that a great deal of judgment be exercised. The Committee is charged with preserving the quality of the residential environment and protecting property values.

B. Insofar as it is possible, the Committee carefully considers the needs and desires of each property owner in the review and approval of plans. However, the Committee 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 as a whole 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 required by Worcester County Planning, Permits and Inspections, the ARC Guidelines, and the Declaration(s) of Restrictions.

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 walls should be avoided. A break in wall lines should especially occur on any street fronting elevation. No totally blank 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 together 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) on the on-site structures shall not be proportionally excessive for the lot on which it is placed.

1. Building Area. Lots with a building area (gross area less setbacks) of 2,000 square feet or less may cover 100% of the building area. Coverage on lots with a building area over 2,000 square feet shall decrease from 100% to 55% as the building area approaches 5,000 square feet (~~See Exhibit 1~~)(~~see Tables 100.4 A and 100.4 B~~). All lots with building areas 5,000 square feet or more will be limited to 55% coverage. Open decks will not be included in the building coverage calculation. Note: future enclosure of open decks may not be permitted if the original building 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, if 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.

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 feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the wall on which they are located; and an unenclosed handicapped ramp not exceeding the minimum standards to provide safe access as set forth in the current Maryland Accessibility Code and C.A.B.O. One and Two Family Building Code, or their 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 feet to the landward edge of any pier, dock, bulkhead, rip-rap, 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 for maximum fill depth.)

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

**Section 200.1 New Work Preliminary Submittal.** The Architectural Review Committee will, at the request of the applicant, review plans at a conceptual stage prior to formal submission. This preliminary review will facilitate communications and expedite formal submission review.

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

A. **Authority General.** ~~Section 5.A. of the Declarations of Restrictions states-~~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 Committee before any such work is commenced. ~~of the Environmental Control Committee (herein called "Committee"), as the same is from time to time composed ."~~ Homeowners should be aware that Maryland law requires that a contractor performing this work must have a Maryland Home Improvement license, and license number shall be included on the application.

B. **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) completed sets of **final** ~~the~~ 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 sufficient detail to determine if all requirements can be met. The architectural plans and specific details on 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. Reversed 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 reversed 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  $1'' = 20'$  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
- f) Proposed location of house and other structures including decks, porches, landings, steps, driveways, culverts, detached garages, and detached sheds.
- 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 and midpoint of side property lines. (Reference Section 300)
- h) Restrictive County zoning classification of lot Wetlands (if applicable).

4. Landscape Plan. Two (2) copies of the **final** landscape plan drawn to a scale of  $1'' = 30'$  or  $1'' = 20'$  are required, if applicable. The plan shall comply with the requirements of Section 400, Landscaping Requirements.

5. Completion Agreement and Deposit. Cash, a 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. The Completion Agreement assures that construction will comply

with the objectives and requirements as stated in the Ocean Pines Declaration(s) 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 finisheds, including roofing material, siding, and trim shall be submitted with the application, unless samples are on file with the CPI Department. Submissions must include 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 crane site and property line. (See Section 400).

7. Installation Plan for Certified Pre-Existing New Homes. Before an installation of pre-existing new home is permitted, certification by a registered home inspector that the home is of new material and has never been occupied as a residential unit elsewhere shall be submitted to the Committee. An installation plan shall be submitted, indicating the area to be cleared for the placement on the site. Maximum care shall be taken to retain trees and natural ground cover on the site (See Section 400.3).

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 Isle of Wight County office or the Courthouse in Snow Hill, MD.

C. 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 in the applicant's name and all monies owed to the Ocean Pines Association must be paid in full. Proof of ownership, or valid contract, may be necessary before plan approval. The owner may authorize a builder to act in his behalf to submit plans or changes to the CPI Department for approval until such time as the owner advises the CPI Department otherwise

D. Approval/Disapproval. In accordance with the Declaration(s) 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.

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

A. Authority General. ~~Section 5.A. of the Declarations of Restrictions states~~ "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 approval of the ~~Environmental Control Committee (herein called "Committee")~~, as the same is from time to time composed, in writing, before any such work is commenced. Homeowners should be aware that Maryland law requires that a contractor performing this work must have a Maryland Home Improvement 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 due to the effects of nature 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. Some exceptions of new materials may be approved, as long as 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 B.

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

**A. Placement and Design.** The placement and design of outbuildings and other structures on any numbered lot in Ocean Pines requires an ARC permit, review and approval. These structures include, but are not limited to sheds, carports, gazebos, fences, detached garages, play and pet enclosures and swimming pools. 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 work on outbuilding structures is required to have a Maryland Home Improvement license.

**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.B. In addition, the following restrictions apply:

1. Sheds shall be limited to one unit per lot and be no larger than one hundred and twenty (120) square feet maximum in floor area. Maximum wall height will be eight (8) feet. No 2-story sheds will be allowed.

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 due to the effects of nature 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 not permitted.** Any **acceptable** material used **other than metal** should be able to withstand a marine climate.

3. Shed roof pitches: no flat or single sloped roof styles will be allowed.

4. A shed shall not be located any closer than six (6) feet from any other structure or the side property line, provided the shed is located outside the rear building restriction line in its entirety. Should any portion of the outbuilding be within the rear setback, the side setback location will be determined by Worcester County Zoning Board. 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. Storage Structures.** Storage structures shall be limited to one unit per lot and be less than **twenty (20)** sq. ft. in floor area and 78 **inches** or less in height. A permit is required.

1. **Metal storage structures are not allowed.** Storage structure material should be able to withstand a marine environment.

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

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

4. The color requirements, specified in **Section 200.3.B above**, also apply for storage structures.

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

1. It shall be architecturally compatible to that of the house, including height, materials, color, **and** roof style and pitch.

2. It shall have a concrete floor and be of sufficient size (not less than **12 feet x 20 feet**, but not greater than a two-car design (**24 feet x 28 feet**)).

3. It shall have a connecting, usable driveway. ~~(See Section 400.2.F.8).~~ 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, the side setback location will be determined by Worcester County Zoning. Garages located in front of the main structure shall be within the side and front building restriction lines.

**E. 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 200.2.B. 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 concrete floor of stone. as required in Section 200.4 D 2. The flooring of the carport must meet the requirements of Section 400.2.F.8, as a minimum.**

2. It shall be not less than 12 feet x 20 feet but **not** greater than 24 feet x 28 feet in size.

3. It shall have a connecting, usable driveway. The minimum width for a driveway shall be eleven (11) feet (**See paragraph 300.2.J. for driveway specifications**).

4. It shall not be located any closer than six 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, the side setback location will be determined by Worcester County Zoning. Carports located in front of the main structure shall be within the side and front building restriction lines.

**F. 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 that when properly installed, safely used and subject to appropriate guidelines for their use a self-contained, a wood burning Fire Pit presents 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 possibly the removal of their Fire Pit. The following requirements will apply:

1. All Fire Pits must be appropriately approved prior to its use. If a Fire Pit is to be permanently installed it must be done so by a licensed contractor. Portable Fire Pits must be purchased from an authorized dealer. Homemade pits are not permitted. 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. The homeowner must follow the same steps required to grandfather a previously existing Fire Pit to authorize its use.

2. Preexisting Fire Pits ~~existing prior to November 16, 2018~~ are not exempt from these guidelines and can be grandfathered from permitting requirements, provided the following procedure is ~~completed by (DATE)~~ is followed:

a. Grandfathering of Existing Wood Burning Fire Pits.

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.

v) The homeowner should notify their homeowner's insurance company of the existence of a Fire Pit and be certain the coverage for medical payments and liability adequately cover the potential risk.

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 use a mesh spark screen at all times. Wood burning Fire Pits cannot be any larger than three (3) feet in diameter and two (2) feet in height.

5. Wood burning Fire Pits may be filled only up to a maximum of 70% of their capacity, with flames limited to two (2) feet high by three (3) feet wide.

6. 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 the Committee.



7. 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.

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

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

10. 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.

11. 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.

12. An adult must be present at all times and at least one person must remain until the fire is completely extinguished.

13. The burning of plastic, painted or treated wood, rubber, leaves, grass, pallets or household trash is strictly prohibited.

14. Fire Pits may not be used in wind over 15 miles per hour.

15. The homeowner ~~must~~ should notify their homeowner's insurance company of the existence of a Fire Pit and be certain the coverage for medical payments and liability adequately cover the potential risk.

### **Section 200.5 Fencing**

A. ~~**Authority General**~~ ~~Section 6B of the Declaration of Restrictions states~~ ~~The~~ Committee 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. ~~"In the same section (6C) the Restrictions further state, No~~ fences shall be permitted on any lot or lot line except where, in the opinion of the Committee, a fence or other structure or aesthetic feature of a design concept, will contribute to and be in keeping with the character of the area."

B. **Play and Pet Enclosures**. The Committee 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), 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 shall not be higher than 48 inches and shall not be constructed of metal posts, metal rails, or wire mesh.

4. The outside perimeter shall have shrubs or plantings sufficient to screen the enclosure. Generally, plantings every three feet with a minimum height of 18" for a 4' high fence is appropriate. This will be determined by the Committee on a case by case basis. If an enclosure is not screened within one year after approval or the plantings are not maintained, the enclosure must be removed.

5. If at any time the enclosure falls into disrepair, it must be removed at the owner's expense within 60 days. This agreement will be part of the signed permit.

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 Committee:

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

b) A Completion Agreement and deposit to accompany the Completion Agreement assuring that the constructions will comply with the objectives and requirements as stated in the Declaration(s) 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 showing the proposed location of the enclosure and the types and locations of plantings outside of the enclosure.

**C. Dog Runs.** The Committee is authorized to allow pre-manufactured dog runs up to 72 square feet in area and six **(6)** feet in height.

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), 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 sufficient to screen the enclosure. Generally, plantings every three feet with a minimum height of 30" for a 6' high fence is appropriate. This will be determined by the Committee on a

case by case basis. If a dog run is not screened within one year after approval or the plantings are not 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 60 days. This agreement will be part of the signed permit. The dog run must be completed 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. **Materials Submissions** required for Committee 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.**

4. The privacy fence shall be behind the front foundation line, no closer than **five (5) feet** from the side 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 born 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 sufficient to screen the fence. Generally, planting every three feet with a minimum height of 30" for a 6' high fence is appropriate. This will be determined on a case by case basis. If a fence is not screened within one year after approval or the plantings are not 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. ~~The following materials shall be submitted to the Committee (same as in Section 200.5.B.7, Submissions required for Committee review are the same as in Section 200.5.B.7, except the form is for Privacy Fence).~~

**E. Temporary Fencing.** Fencing will be allowed to be erected around vegetable gardens and newly landscaped areas provided the following guidelines are followed. No permit is required.

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.

**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 4' from the ground.
2. The design must be architecturally compatible with the residence through the use of style, color and details.
3. No gates/fencing will be allowed ~~crossing 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 born totally by the property owner.
5. ~~The following materials shall be submitted to the Committee (same as Section 200.5.B.7, Submissions required for Committee review are the same as in Section 200.5.B.7, except the form is for Architectural Fence).~~

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

**A. Authority General.** ~~Docks, davits, boat lifts and personal watercraft lifts in Ocean Pines are subject to regulations by the Ocean Pines Declarations of Restrictions (paragraph 50), which states, "Whenever the Committee 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. Other regulations on this subject include: Ocean Pines Policy Resolution No. 1-86-22,~~ Worcester County Shoreline Commission, the Department of Natural Resources, the Army Corp of Engineers, the Worcester County Critical Bays Legislation and Worcester County Planning and Permits. Docks and other devices are approved on an individual basis and consideration is given to the protection of the bulkheads and marine traffic.

**B. Objective.** To allow water front 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.** All docks/piers/lifts should be centered on the bulkheaded waterfront and located within the dimensions of the side BRLs of the property as extended to the waterfront. Adjustments to this requirement will be considered on a case by case basis.

1. **Impact on adjacent properties.** No dock, lift, out piling, etc. shall unreasonably limit the navigation or mooring ability of surrounding water front 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 100 feet or less. **An additional boat lift for lots with 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 100 feet of bulkhead. Only one davit per water front lot shall be allowed except two are allowed when used as a boat lift.

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, 30 **inches** deep and 30 **inches** tall is allowed to 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 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. The square footage of the walkway will not be included in the dock area. Consideration will be given to the permit issued by the Army Corps of Engineers.**

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 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 **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. Unless a variance is given, no dock will be constructed on undeveloped properties. Docks will be considered for undeveloped lots only 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 provide that if the unimproved property is sold, the dock, lift, etc. will be removed by the 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 so as 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. Materials Required for Committee 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 will not be permitted.

**Section 300.2. Design Requirements.**

A. **Similarity.** Repetitive style plans, or plans with only minor variation , located within three across the street, one on either side, and one behind of one another will not be permitted . Styles repeated in one section whether by one builder or numerous builders will be limited in number. Separations of design are necessary in order 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 Water and Wastewater Services.

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 here in, 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 Code-09.20.12.07 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 12 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.** Strictly rectangular homes will not be approved by the Committee. In order 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 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 similarity problem with an existing home within three across the street, one on either side, and one behind.

**E. Variations for Rectangular Homes.** Strictly rectangular homes are not permitted. Variations or combinations of variations may be used in the elevations to provide an appearance of integrated exterior wall and/or roof relief. Possible 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. The use of exterior finishes 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 particular 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 so as 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 showcasing 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).**

1. Storage Tanks. A maximum of **two (2)** 420 lbs. cylinders are allowed.

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

**I. Fifteen (15) Foot Bulkhead Maintenance Easement**. For all lots where the property lines extend to our beyond the bulkhead, a **fifteen (15) foot** maintenance easement has been established. This easement extends fifteen (15<sup>+</sup>) feet from the land side of the bulkhead cap. ~~(see Policy Resolution 1-86-22).~~

**J. Driveways**. Driveways and parking areas shall have a minimum coverage of three 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.

**K. Alternative Energy Source Design**. ~~Alternative energy designs will be approved if it is determined by the ARC that they will not create significant glare to adjacent property, require tree removal, or detract from the overall architecture of the home.~~ The construction of any Alternative Energy System must be in compliance with current building codes and will require the Committee's approval. When considering a request, emphasis will be placed on the necessary size of the system and its location and manner of placement, preferring locations as close to the rear of the property 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 ARC 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 Declaration(s) 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.** If the plans are approved, copies of pertinent documents will be returned to the owner or builder with either a letter of approval or disapproval. ~~to the owner and/or builder.~~

### **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.B.5 of these Guidelines, a landscaping plan shall be submitted with all house plan applications. The landscaping plan shall be drawingn to a scale of 1" = 30' or 1" = 20' and shall include the following:

- A. The location of the house and outbuildings.
- B. The location of the driveway, parking areas and walks.
- C. The general location of existing groups of trees and other vegetation to remain undisturbed.
- 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.

### **Section 400.3 Requirements.**

**A. Plant Removal.** After 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 48 hours prior to commencement of lot clearing.

1. Limit of Clearing. Unrestricted removal of trees, shrubs, and other plant material shall be limited to a distance of ten (10) feet from the house or garage foundation and within three feet of the driveway (the limit of clearing). Removal of any trees more than six (6) inches (6") in diameter, **measured thirty-six (36) inches from the base of the tree** and any native Magnolia, Holly, Bayberry, and Laurel which are located outside the limit of clearing shall require approval from the ARC. These are protected plants. Acceptable reasons for removal of protected plants include diseased plants and those causing danger because of leaning or impairment of vision for driving. 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. Lots where trees are all smaller than six inches in diameter outside of the limit of clearing shall require the preservation of some trees, as determined by the CPI Department. Builders/owners shall be required to replace vegetation destroyed that was not approved for destruction by the ARC.

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.

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 which will substantially destroy the natural beauty of the site and/or the adjoining areas, construction will not be approved.

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

**B. 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 company's conducting such work must be licensed as an "Arborist" or "Tree Expert" as defined by the Maryland Department of Natural Resources. Should it be determined that trimming in excess of that described herein cause a tree to die, the ARC will require the tree be replaced by the same species and of a size as described

in Section 400.3.C. A permit must be obtained from the Committee prior to commencement of work.

**C. Unauthorized Tree Removal.** Any tree six (6) inches ~~(6")~~ in diameter/caliper or greater that is removed without CPI Department approval must be replaced by a tree(s) of the same species, or a different species approved by the CPI Department.

1. One (1)- 3" inch caliper tree for every tree between 6" inches and 12" inches in diameter.

2. One (1)- 4" inch caliper tree for every tree between 13" inches and 24" inches in diameter.

3. One (1)- 5" inch caliper tree for every tree greater than 24" inches in diameter.

**D. Fill and Grading on Lots.** Fill up to twelve (12) inches, or to the depth allowed by local jurisdictions, whichever is less, of the average grade of the lot will be allowed without prior approval of the ARC. Runoff should be diverted into ditches or waterways without crossing adjacent lots. A fill and grade plan will be required and must show how water and sediment will be controlled during construction and at final grade ~~(Declarations of Restrictions, paragraph 6F)~~. A special permit may be required from Worcester County Soil Conservation District, dependent upon location and amount of material to control surface drainage to prevent erosion of bare lands.

**E. Plantings.**

1. Any planting with a root system that could damage the bulkhead is prohibited in the fifteen (15) foot bulkhead maintenance easement. No tree, bush, shrub, etc. of any variety with a mature height greater than four (4) feet may be planted within the maintenance easement.

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

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

4. Landscaping shall be maintained in a pleasing manner and replaced when needed. If not maintained, the Association reserves the right to perform such maintenance. ~~(Declarations of Restrictions, 14A)~~.

## **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 the ARC, shall be posted in a conspicuous place on the building site at all times. In addition, the County Building Permit shall be posted next to the CPI Department permit, if a County Building Permit is required.

**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 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. Pipe must be covered with 12 **inches** of Maryland State (Worcester County) specification "A 2-4" or better material (minimum 20% clay). The OPA Public Works Department inspector shall be notified 48 hours prior to installation to insure setting of pipe at the proper grade level. Only one (1) driveway culvert pipe will be permitted for any lot unless 120 feet of road frontage exists, in which case two pipes are allowed. Special circumstances will be reviewed by the Committee for any additional driveways.

**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. No further work on the house is to continue until the as-built survey has been accepted by the ARC to be in accordance with approved plans. The ARC 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. In addition, for houses planned to be between **34 feet** and 35 feet in height, a final elevation survey is required.

**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 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 to be removed, and any other change affecting the

appearance of the project upon its site and to its neighbors shall receive prior approval of the ARC. Changes proposed during construction shall be submitted in writing and plan form to the ARC for approval.

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

**Section 500.2 Requirements Before Deposit Money Can Be Refunded.** In addition to items outlined above, the following shall be required before any money paid as completion deposits will be refunded.

A. **House Number.** The street address house number shall be posted so as 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 not the same as the lot and section number, and can be obtained from the CPI Department office). House numbers shall not be less than 4 inches or no greater than 8 inches in height, a contrasting color, and visible from the street.

B. **Service Area.** Trash and rubbish containers are required and shall be concealed. An enclosed service area, large enough to store two-20 gallon containers for ashes, trash, rubbish or garbage, shall be required. An enclosed garage, shed, or utility structure, satisfies this requirement if utilized for this purpose and so noted on the application.

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 or shrubbery. ~~(8.A.i. of the Declarations of Restrictions).~~

D. **Deck Screening.** All raised decks and porches must be screened if the deck/porch is 18 inches or more above ground level. Evergreen plantings placed 3 feet apart to provide continuity, may be employed provided if they screens at least half of the open area (see ARC Guideline 400.2).

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 OPA 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.

1. Contractor/Owner contacts CPI Department office for site inspection. Inspector checks that permit is posted and checks **the** lot for proper limit of clearing.

2. Contractor/Owner contacts CPI Department when lot is cleared. Inspector checks that limit of clearing has not been exceeded and stabilized construction entrances and erosion controls are in place.

3. Contractor/Owner contacts CPI Department when foundation is in and submits "Foundation Location Survey". Inspector checks BRL 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. Inspector **will check** siding for approval with permit and **checks** for any changes from approved plans.

5. Contractor/Owner contacts CPI Department for final inspection. 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 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. 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, or noncompliance in any way or at any time from Ocean Pines' Restriction(s) 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.

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 substantially completed as to exterior appearance within twelve

months from the approval date. Request for a six month renewal permit may be submitted to the ARC for approval.

#### **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 the plats, these easements have been dedicated to the utility companies. Property owners should be aware of these easements and should understand that any construction **with**in the easements require approval by the Committee. (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 ~~General.~~**

A. **~~Authority-General.~~** **~~Section 8-(g)-General Prohibitions and Requirements of the Declarations of Restrictions for each Section of Ocean Pines states-~~**"All signs, billboards or advertising structures of any kind are prohibited except upon application to and written permission from the Committee".

B. **Intent.** The Committee will permit temporary signs only if it deems them essential and in the general interest of the community, **they** do not adversely affect property values and strictly adhere to the criteria below.

**Section 600.2 General Criteria.** The criteria in this section apply unless otherwise stated in applicable subsections of section 600.3.

A. **Size.** Signs shall be a maximum of 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 or in easement areas.



**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.

**I. Approval.** **With the exception of Political Signs,** signs must be approved in writing by the Committee for design, location, placement date, and removal date. Approval must be requested by CPI Department application, which must be submitted at least two weeks prior to the desired placement date(s). More than one sign may be addressed in one 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 600.3.F 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 as long as 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 particular 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 (600.3.D) 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 as modified by this subsection. The following restrictions apply:

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.** Real-estate 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 similar to 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 p.m. on the last permitted sale date. Yard sales are limited to a total of four (4) per year per developed lot.

**J. Political Candidate and Referendum Signs.**

1. Property Owner Approval. Signs may not be displayed on any developed lot or vacant lot without approval of the property owner.

2. Common Property. ~~The Articles of Incorporation, Section Six, last paragraph states in part "and~~ 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". No political signs, displays, or literature may be placed on or in any property, right-of-way, building, bulletin board, structure, road sign, or tree owned by or under control of the Association.

3. Time Intervals. Signs for political candidates or referendum issues must be removed within seven (7) days after an election.

4. Specifications. Signs must be in conformance with Section 600.2 but may be in any color or material.

5. Number. Only one sign per candidate may be displayed at any one time in the front of the property. Signs with two (2) or more candidates' names may be used provided they conform to the size criteria. In the case of waterfront lots, golf course lots, and those backing on Rt. 589, Rt. 90, or Beauchamp Road, signs may be placed in front and rear of the property.

6. Handout Materials for County, State, or National Elections. To ensure the safety and protection of pedestrians and drivers, to prevent traffic problems from developing, and to control litter and trash possibilities, handout materials may be distributed only on election days at the designated polling locations within the parameters established by state or county laws and regulations.

**K. 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 or under in area. Any sign over 4 square feet must be approved by the Committee 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 Committee is required. Permits may be granted for three consecutive years for an annually recurring event.

**Section 600.4 Unauthorized Signs and Flags.**

**A. Removal of Unauthorized Signs and Flags.** Any sign or flag not adhering to the requirements of this section may be removed by an authorized agent of the Association.

**B. Disposition of Unauthorized Signs.** The CPI Department will attempt to contact the owner of the sign or flag. Owners may recover signs and flags from the ~~Association upon payment of a fee to be determined by the Board of Directors. HOW MUCH?~~ CPI Department. Signs not recovered within ~~60~~ **15 days** will be destroyed.

**Section 700. Home Occupations Based Businesses**

**Section 700.1 General:**

**A. Authority General.** ~~Paragraph 4(A) of the Declarations of Restrictions of Ocean Pines states "~~No numbered lot shall be used except for residential purposes. No structures shall be erected, placed or permitted to remain on any lot other than one (1) detached, single family residence dwelling and such outbuildings constructed in connection with such residence as are usually accessory to a single family residence dwelling including a private garage" ~~.Paragraph 9(A) of the Restrictions authorized the~~ The Committee will ~~consider~~ **allow** 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".

**B. Variance for Home Occupations Based Businesses.** Under certain circumstances, the granting of reasonable variances for the conduct of **Home Based Businesses** ~~occupations~~ which will not be materially detrimental or injurious to other property or improvements in Ocean Pines may be appropriate. Accordingly, the Committee 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 in order for the Committee 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 Committee finds that such approval conforms **with to** the requirements for variances as defined in the Restrictions.

C. **County**. The Worcester County Board of Appeals requires the application be made to the county for a Home **Occupation Based Business**. This is in addition to the application required by Ocean Pines.

**Section 700.2 Conditions for Home ~~Occupations~~ Based Businesses**. The following conditions must be met **for the issuance of a home occupation to obtain the approval for a Home Based Business**:

A. All **home occupations Home Based Businesses** must be conducted solely within the structure, except in the case of child care.

B. Signs of any type referring to the **home occupation Home Based Business**, including window signs, will not be permitted.

C. Conduct of the **home occupation 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 occupation Home Based Business**. The remaining livable gross floor area shall be in accordance with applicable Declaration(s) of Restrictions.

D. Nothing, other than parts or supplies used in the **occupation 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 Committee.

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

F. A **home occupation Home Based Business** may not include a boarding house, rooming house, Bed and Breakfast, or private educational institution.

G. The **home occupation Home Based Business** shall not generate substantial amounts of vehicular or pedestrian traffic. No more than two (2) vehicles used for the home **occupation business** will be permitted and shall not be parked in the road right of way. Vehicles used in conjunction with a home **occupation business** must meet the weight limitation of Section 800.

**Section 700.3 Application to ARC ~~for to Operate a Home Occupation Based Business~~**.

A. **Initial Application**. Persons applying for a **home occupation Home Based Business** shall complete the "Application for Variance for Home **Occupation**

**Based Business**" form available at the CPI Department office. Applications must address each of the conditions listed in section 700.2 in narrative form. A fee will be charged. Committee approval is valid for one (1) year.

**B. Renewal.** Each year the application must be resubmitted to the Committee and will be re-evaluated for continued approval. A fee will be charged.

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

### **Section 800.1 Purpose:**

#### **A. General**

1. **Trailers.** ~~Paragraph 8.A.b. of the Declarations of Restrictions of Ocean Pines states~~ "No temporary house, trailer, tent, garage or other outbuilding shall be placed or erected on any lot, provided, however, that the Committee 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, RVs Recreational Vehicles.** ~~Paragraph 8.A.o. of the Declarations of Restrictions of Ocean Pines states~~ "No oversize vehicle, defined as having a GVWR greater than Class 3 shall be parked on any street in the subdivision. No vehicle, with a load capacity of one (1) ton with a GVWR of Class 3 (which will be limited to 3500 Series pickup trucks only) or greater higher, including but not limited to commercial trucks, trailer trucks, and buses shall be parked or stored overnight or longer on any lot or street in the Section or Subdivision unless prior written approval from the Committee has been obtained. Any Recreational Vehicle is prohibited from being parked anywhere in Ocean Pines without written approval for the Committee being first obtained. ~~in such a manner as to be visible to the occupants of other lots in the Section or Subdivision or the users of any street, waterway or golf course within the Section or Subdivision, unless the prior written approval of the Committee has been obtained~~".

**B. Objective.** Pursuant to this authority and other requirements of the Restrictions, the Committee, by these Guidelines, establishes minimum standards for the storage of oversize vehicles, RV's, slide in campers and trailers on lots in Ocean Pines to provide minimum visible impact on the community and maintain property values. Additionally, any vehicle, trailer, slide in camper, or tent 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. ~~The DR does not place any restrictions on these activities~~ Declarations of Restrictions place few, if any, restrictions on these activities. Thus, the Committee exempts boats and boat/PWC

trailers from this restriction. All other trailers that are smaller than sixteen (16) feet in length and less than four (4) feet in height are also exempt from the specifications of 800.2 and 800.3 below.

### **Section 800.2 Specific Guidelines.**

A. **Location.** Storage shall be wholly 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 and screened from public view. Storage shall be prohibited on any portion of the street or right-of-way.

B. **Number.** The Committee has established the following limitation on ~~trailers-stores~~ motorized watercraft stored on a lot; one boat with trailer ~~trailer~~ and two PWC on ~~one-trailer~~ 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 Committee.

C. **Screening.** Screening shall be evergreen landscaping of such height and type of growth to effectively conceal the vehicle. With proper approval, fencing may be used to screen the vehicle when landscaping is not practical. The CPI Department shall have the right to request the removal of the vehicle if these conditions cannot be met.

D. **Use During Storage.** No vehicle or trailer shall be used as a dwelling place, nor shall any overnight camping be permitted on any lot in any vehicle.

E. **P.O.D.S. - Portable On Demand Storage Containers.** 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 located in the residence driveway or paved parking area.

### **Section 800.3 Permit Procedures.**

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

1. **Two-week periods.** No more than four (4) two-week temporary permits will be issued per year and there must be separation of at least two (2) weeks between periods.

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.** Long term parking or storing of an oversized vehicle requires a permit issued by the Committee as long as the conditions of **Section 800** of the ARC Guidelines are met. The CPI Department requires the following information to be submitted with each application for long term storage:

1. Site plan showing the proposed location of the vehicle, and proposed screening, either fencing, evergreen plantings, or a combination thereof.

2. Application for long term parking permit filled out and signed by the lot owner.

3. **Payment of** Filing and inspection fees, plus completion agreement.

### **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. The Committee may grant a written variance from the requirements of Section 900.2 if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this section.

#### **Section 900.2 Requirements.**

**A. Plan.** An erosion and sediment control plan shall be shown on the site plan as part of a new construction submittal, if disturbance on the lot exceeds 5,000 sq. ft., or more than 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, 2 ½" inches, (or larger), stone ( covering a minimum of twenty (20) feet width wide x twenty-five (25) feet depth 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 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. 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 within seven calendar days after 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~~ Establishes minimum requirements and procedures to control any adverse visual impact from the placement of satellite dishes.

B. **Authority.** ~~Ocean Pines Declaration(s) of Restrictions 8.A.f.~~ prohibits such structures. FCC regulations since the Restrictions were written allow an individual to place a dish up to 1 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 **your home the house** or behind the front foundation line of the house. If line of site can be achieved only from the front yard then landscaping to screen the dish from the street is required.

### **Section 1100. Supplementary 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.

B. **Authority General. Paragraph 8(h)** No stripped down, partially wrecked, or junk motor vehicle, or sizeable part thereof, shall be permitted to be parked on any street in the Section or Subdivision or on any lot. **Paragraph 8(0)** No vehicle shall be parked on any street in the Subdivision.

C. **Guidelines.**

1. All vehicles must be parked on the residence 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 and other on-site conditions, are to be considered.

#### **Section 1100.2 Ocean Pines Easements.**

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

B. **Authority General. Paragraph 1-0A.** Declarant(s) 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 "Drain age 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 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.
2,000	100.0%	2,000
2,100	97.5%	2,048
2,200	95.0%	2,090
2,300	92.5%	2,128
2,400	90.0%	2,160
2,500	87.5%	2,188
2,600	85.0%	2,210
2,700	82.5%	2,228
2,800	80.0%	2,240
2,900	77.5%	2,248
3,000	75.0%	2,250
3,100	73.4%	2,275
3,200	71.9%	2,300
3,300	70.5%	2,325
3,400	69.1%	2,350
3,500	67.9%	2,375
3,600	66.7%	2,400
3,700	65.5%	2,425
3,800	64.5%	2,450
3,900	63.5%	2,475
4,000	62.5%	2,500
4,100	61.6%	2,525
4,200	60.7%	2,550
4,300	59.9%	2,575
4,400	59.1%	2,600
4,500	58.3%	2,625
4,600	57.6%	2,650
4,700	56.9%	2,675
4,800	56.3%	2,700
4,900	55.6%	2,725
5,000	55.0%	2,750

## **GLOSSARY**

**Architectural Fence** - a structure, usually made of wood 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.

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

**Boathouse** - A boat covering structure, whether call 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.

**Building Area** – Calculated as the gross 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.

**Carport** - An 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. 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.

**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** - Structure connecting the shore to a dock.

**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 Committee to deviate from a limitation imposed by these Guidelines.

**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 structure, either fixed or portable, usually constructed of masonry or metal, in which a fire is contained.

**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 on.

**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.

**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 plot 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.

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

**Outbuilding** -A building, such as a shed or garage, that is located on the same lot as the main building, the use of which is incidental to that of the main 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. ~~or greater.~~**  
**~~excluding 3500-series pick-up trucks.~~**

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

**Permit** - Written approval from the Committee.

**Personal Watercraft (PWC)** - A power driven ship 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 water crafts. (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 also contains information as to easements, restrictions, and lot numbers.

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

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

**RV/Motorhome** - A vehicular unit **designated as a Class A, B or C Motorhome**, built on a self-propelled motor vehicle chassis, having a self-contained or semi-contained living quarters., **~~with a height of 8' or taller and a length of 20' or longer.~~** 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 structure serving for storage or shelter.

**Siding** - The outside finished covering on 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.

**Storage Structure** - A free-standing structure (also called cabinet, storage unit, etc.) having less than 20 sq. ft. in floor area and 78" or less in height used for storage or shelter.

**Structure** - An assembly of parts manufactured of various materials.

**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, 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, have a flat bed, ~~or~~ have a frame designed for holding a particular load, **or designed as a recreational vehicle.**

**Variance** - Authorization from the Architectural Review Committee to deviate from a limitation imposed by the Declaration(s) 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 Restrictions or Guidelines.

**Walkway and/or Platform** - A structure to get from shore (natural or bulkheaded) to a floating dock. Such a walkway shall be limited to a maximum width of 3' and of such length as restricted by current county codes.

**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.

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*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) 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 hand-in-hand with life in Ocean Pines.

The Environmental Control Committee (ECC) was formed and named in 1968. 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 call the Committee, or the Compliance, Permits, and Inspections Department staff, herein call the CPI Department. The CPI Department is a paid staff of professionals that handle the day to day requests for information, application permits and variance requests, and inspections. It is also the responsibility of the CPI Department to issue letters when violations of the Declarations of Restrictions and the ARC Guidelines are determined to have occurred.

Each individual Section of the Community has its own Declaration of Restrictions that must be followed. Both these Guidelines and the individual Declaration of Restrictions for the appropriate Section must be reviewed in order to insure complete compliance with all applicable requirements.

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

IN SOME 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 authorizes the Architectural Review Committee (hereinafter referred to interchangeably as the "Committee" or "ARC") to implement certain portions of the Restrictions and the Guidelines. The Committee has recommended and the Board of Directors has approved these Guidelines. Reasonable consideration has been given to the character of each separate Subdivision (Section) of the Community and to the encouragement of orderly development of the Community as a whole.

**B. Public Health, Safety, and Welfare.** The primary consideration in the adoption of these Guidelines is to ensure owners and their guests maximum enjoyment from the use of the common elements in relation to their lots and protect, preserve, enhance, and perpetuate maximum property values and aesthetic character consistent with the health, safety, and general welfare of the owners within the community. The Guidelines are subject to change by the Committee, with concurrence by the Board of Directors at any time with thirty (30) days prior notice so long as the changes are consistent with the Declarations, By-Laws and plats.

**C. Restrictions.** All actions of the Committee 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 Committee will apply the stricter of the setbacks described. The Restrictions require that any structure to be erected, or improvement to be made, on a numbered lot in Ocean Pines shall require approval in writing from the CPI Department before any work can begin. However, property owners are individually responsible for compliance with the Worcester County Zoning Ordinance.

**D. Permits.** Permits are issued by the Committee and are required before any structure can be erected on any numbered lot in Ocean Pines. The permitting process begins by submitting an application (from the CPI Department) and paying fees and other charges as may be required.

**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. Variances to the Declarations of Restrictions.** Variances from any restriction will first require Committee approval and subsequent approval (if necessary) from the Worcester County Board of Zoning Appeals. The Committee may allow 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 purpose 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. As a courtesy, and at the discretion of the Committee, notification to adjacent property owners will be made and the adjacent property owners' comments requested.

**H. Exceptions to the Guidelines.** An exception to the Guidelines is not a variance, which only refers to adjustments to restrictions found in the Declarations of Restrictions. An exception refers strictly to items found only in the Guidelines, such as height criteria or buildable area. The Committee will consider an exception to the Guidelines when the request will not be materially detrimental or injurious to adjacent properties ("does no harm"), to the best of their knowledge does not exceed any Worcester County Codes, meets the needs of the owners, and makes sense. As a courtesy, notification to adjacent property owners may be made and the adjacent property owners' comments requested.

### **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 land forms and native vegetation, and with approved or proposed development plans, if any, 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 styles 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 Committee necessarily requires that a great deal of judgment be exercised. The Committee is charged with preserving the quality of the residential environment and protecting property values.

B. Insofar as it is possible, the Committee carefully considers the needs and desires of each property owner in the review and approval of plans. However, the Committee 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 as a whole 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 required by Worcester County Planning, Permits and Inspections, the ARC Guidelines, and the Declarations of Restrictions.

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 walls should be avoided. A break in wall lines should especially occur on any street fronting elevation. No totally blank 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 together 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) on the on-site structures shall not be proportionally excessive for the lot on which it is placed.

1. Building Area. Lots with a building area (gross area less setbacks) of 2,000 square feet or less may cover 100% of the building area. Coverage on lots with a building area over 2,000 square feet shall decrease from 100% to 55% as the building area approaches 5,000 square feet (See Exhibit 1). All lots with building areas 5,000 square feet or more will be limited to 55% coverage. Open decks will not be included in the building coverage calculation. Note: future enclosure of open decks may not be permitted if the original building 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, if 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.

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 feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the wall on which they are located; and an unenclosed handicapped ramp not exceeding the minimum standards to provide safe access as set forth in the current Maryland Accessibility Code and C.A.B.O. One and Two Family Building Code, or their 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 by closer than fifteen feet to the landward edge of any pier, dock, bulkhead, rip-rap, 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 for maximum fill depth.)

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

**Section 200.1 New Work Preliminary Submittal.** The Architectural Review Committee will, at the request of the applicant, review plans at a conceptual stage prior to formal submission. This preliminary review will facilitate communications and expedite formal submission review.

**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 Committee before any such work is commenced. Homeowners should be aware that Maryland law requires that a contractor performing this work must have a Maryland Home Improvement license, and license number shall be included on the application.

B. **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 1/4" = 1' scale. Plans shall consist of architectural quality drawings in sufficient detail

to determine if all requirements can be met. The architectural plans and specific details on 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. Reversed 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 reversed 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' 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
- f) Proposed location of house and other structures including decks, porches, landings, steps, driveways, culverts, detached garages, and detached sheds.
- 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 and midpoint of side property lines. (Reference Section 300)
- h) Restrictive County zoning classification of lot Wetlands (if applicable).

4. Landscape Plan. Two (2) copies of the final landscape plan drawn to a scale of 1" = 30' or 1" = 20' are required, if applicable. The plan shall comply with the requirements of Section 400, Landscaping Requirements.

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. 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 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 crane site and property line. (See Section 400).

7. Installation Plan for Certified Pre-Existing New Homes. Before an installation of pre-existing new home is permitted, certification by a registered home inspector that the home is of new material and has never been occupied as a residential unit elsewhere shall be submitted to the Committee. An installation plan shall be submitted, indicating the area to be cleared for the placement on the site. Maximum care shall be taken to retain trees and natural ground cover on the site (See Section 400.3).

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 Isle of Wight County office or the Courthouse in Snow Hill, MD.

C. 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 in the applicant's name and all monies owed to the Ocean Pines Association must be paid in full. Proof of ownership, or valid contract, may be necessary before plan approval. The owner may authorize a builder to act in his behalf to submit plans or changes to the CPI Department for approval until such time as the owner advises the CPI Department otherwise

D. 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.

**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, 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 approval of the Committee, as the same is from time to time composed, in writing, before any such work is commenced. Homeowners should be aware that Maryland law requires that a contractor performing this work must have a Maryland Home Improvement 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 due to the effects of nature 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. Some exceptions of new materials may be approved, as long as 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 B.

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

**A. Placement and Design.** The placement and design of outbuildings and other structures on any numbered lot in Ocean Pines requires an ARC permit, review and approval. These structures include, but are not limited to sheds, carports, gazebos, fences, detached garages, play and pet enclosures and swimming pools. 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 work on outbuilding structures is required to have a Maryland Home Improvement license.

**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.B. In addition, the following restrictions apply:

1. Sheds shall be limited to one unit per lot and be no larger than one hundred and twenty (120) square feet maximum in floor area. Maximum wall height will be eight (8) feet. No 2-story sheds will be allowed.

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 due to the effects of nature 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 not permitted. 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.

4. A shed shall not be located any closer than six (6) feet from any other structure or the side property line, provided the shed is located outside the rear building restriction line in its entirety. Should any portion of the outbuilding be within the rear setback, the side setback location will be determined by Worcester County Zoning Board. 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. Storage Structures.** Storage structures shall be limited to one unit per lot and be less than twenty (20) sq. ft. in floor area and 78 inches or less in height. A permit is required.

1. **Metal storage structures are not allowed.** Storage structure material should be able to withstand a marine environment.

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

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

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

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

1. It shall be architecturally compatible to that of the house, including height, materials, color, roof style and pitch.

2. It shall have a concrete floor and be of sufficient size (not less than 12 feet x 20 feet, but not greater than a two-car design (24 feet x 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, the side setback location will be determined by Worcester County Zoning. Garages located in front of the main structure shall be within the side and front building restriction lines.

**E. 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 200.2.B. 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.
2. It shall be not less than 12 feet x 20 feet but not greater than 24 feet x 28 feet in size.
3. It shall have a connecting, usable driveway. The minimum width for a driveway shall be eleven (11) feet (See paragraph 300.2.J. for driveway specifications).
4. It shall not be located any closer than six 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, the side setback location will be determined by Worcester County Zoning. Carports located in front of the main structure shall be within the side and front building restriction lines.

**F. 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 that when properly installed, safely used and subject to appropriate guidelines for their use a self-contained, wood burning Fire Pit presents 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 possibly the removal of their Fire Pit. The following requirements will apply:

1. All Fire Pits must be appropriately approved prior to its use. If a Fire Pit is to be permanently installed it must be done so by a licensed contractor. Portable Fire Pits must be purchased from an authorized dealer. Homemade pits are not permitted. 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. The homeowner must follow the same steps required to grandfather a previously existing Fire Pit to authorize its use.

2. Preexisting Fire Pits are not exempt from these guidelines and can be grandfathered from permitting requirements, provided the following procedure is followed:



a. Grandfathering of Existing Wood Burning Fire Pits.

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.

v) The homeowner should notify their homeowner's insurance company of the existence of a Fire Pit and be certain the coverage for medical payments and liability adequately cover the potential risk.

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 use a mesh spark screen at all times. Wood burning Fire Pits cannot be any larger than three (3) feet in diameter and two (2) feet in height.

5. Wood burning Fire Pits may be filled only up to a maximum of 70% of their capacity, with flames limited to two (2) feet high by three (3) feet wide.

6. 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 the Committee.

7. 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.

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

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

10. 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.

11. 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.

12. An adult must be present at all times and at least one person must remain until the fire is completely extinguished.

13. The burning of plastic, painted or treated wood, rubber, leaves, grass, pallets or household trash is strictly prohibited.

14. Fire Pits may not be used in wind over 15 miles per hour.

15. The homeowner should notify their homeowner's insurance company of the existence of a Fire Pit and be certain the coverage for medical payments and liability adequately cover the potential risk.

### **Section 200.5 Fencing**

**A. General.** The Committee 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 Committee, a fence or other structure or aesthetic feature of a design concept, will contribute to and be in keeping with the character of the area."

**B. Play and Pet Enclosures.** The Committee 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), 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 shall not be higher than 48 inches and shall not be constructed of metal posts, metal rails, or wire mesh.

4. The outside perimeter shall have shrubs or plantings sufficient to screen the enclosure. Generally, plantings every three feet with a minimum height of 18" for a 4' high fence is appropriate. This will be determined by the Committee on a case by case basis. If an enclosure is not screened within one year after approval or the plantings are not maintained, the enclosure must be removed.

5. If at any time the enclosure falls into disrepair, it must be removed at the owner's expense within 60 days. This agreement will be part of the signed permit.

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 Committee:

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 showing the proposed location of the enclosure and the types and locations of plantings outside of the enclosure.

**C. Dog Runs.** The Committee is authorized to allow pre-manufactured dog runs up to 72 square feet in area and six (6) feet in height.

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), 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 sufficient to screen the enclosure. Generally, plantings every three feet with a minimum height of 30" for a 6' high fence is appropriate. This will be determined by the Committee on a case by case basis. If a dog run is not screened within one year after approval or the plantings are not 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 60 days. This agreement will be part of the signed permit. The dog run must be completed 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 Committee 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.

4. The privacy fence shall be behind the front foundation line, no closer than five (5) feet from the side 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 born 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 sufficient to screen the fence. Generally, planting every three feet with a minimum height of 30 inches for a 6 foot high fence is appropriate. This will be determined on a case by case basis. If a fence is not screened within one year after approval or the plantings are not 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 Committee review are the same as in Section 200.5.B.7, except the form is for Privacy Fence).

**E. Temporary Fencing.** Fencing will be allowed to be erected around vegetable gardens and newly landscaped areas provided the following guidelines are followed. No permit is required.

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.

**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 4' from the ground.

2. The design must be architecturally compatible with the residence through the use of 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 born totally by the property owner.

5. Submissions required for Committee 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 Committee 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. Other regulations on this subject include: Worcester County Shoreline Commission; the Department of Natural Resources; the Army Corp of Engineers; the Worcester County Critical Bays Legislation; and Worcester County Planning and Permits. Docks and other devices are approved on an individual basis and consideration is given to the protection of the bulkheads and marine traffic.

**B. Objective.** To allow water front 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.** All docks/piers/lifts should be centered on the bulkheaded waterfront and located within the dimensions of the side BRLs of the property as extended to the waterfront. Adjustments to this requirement will be considered on a case by case basis.

1. Impact on adjacent properties. No dock, lift, out piling, etc. shall unreasonably limit the navigation or mooring ability of surrounding water front 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 100 feet or less. An additional boat lift for lots with 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 100 feet of bulkhead. Only one davit per water front lot shall be allowed except two are allowed when used as a boat lift.

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, 30 inches deep and 30 inches tall is allowed to 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 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. The square footage of the walkway will not be included in the dock area. Consideration will be given to the permit issued by the Army Corps of Engineers.

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 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 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. Unless a variance is given, no dock will be constructed on undeveloped properties. Docks will be considered for undeveloped lots only 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 provide that if the unimproved property is sold, the dock, lift, etc. will be removed by the 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 so as 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. Materials Required for Committee 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 will not be permitted.

### **Section 300.2. Design Requirements.**

**A. Similarity.** Repetitive style plans, or plans with only minor variation , located within three across the street, one on either side, and one behind of one another will not be permitted . Styles repeated in one section whether by one builder or numerous builders will be limited in number. Separations of design are necessary in order 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 Water and Wastewater Services.

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 here in, 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 12 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.** Strictly rectangular homes will not be approved by the Committee. In order 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 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 similarity problem with an existing home within three across the street, one on either side, and one behind.

**E. Variations for Rectangular Homes.** Strictly rectangular homes are not permitted. Variations or combinations of variations may be used in the elevations to provide an appearance of integrated exterior wall and/or roof relief. Possible 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. The use of exterior finishes 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 particular 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 so as 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 showcasing 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).**

1. Storage Tanks. A maximum of two (2) 420 lbs. cylinders are allowed.

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

**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 from the land side of the bulkhead cap.

**J. Driveways.** Driveways and parking areas shall have a minimum coverage of three 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.

**K. Alternative Energy Source Design.** The construction of any Alternative Energy System must be in compliance with current building codes and will require the Committee's approval. When considering a request, emphasis will be placed on the necessary size of the system and its location and manner of placement, preferring locations as close to the rear of the property 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 ARC 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.** If the plans are approved, 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.B.5 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 location of the house and outbuildings.
- B. The location of the driveway, parking areas and walks.

C. The general location of existing groups of trees and other vegetation to remain undisturbed.

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.

### **Section 400.3 Requirements.**

A. **Plant Removal.** After 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 48 hours prior to commencement of lot clearing.

1. **Limit of Clearing.** Unrestricted removal of trees, shrubs, and other plant material shall be limited to a distance of ten (10) feet from the house or garage foundation and within three 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 and any native Magnolia, Holly, Bayberry, and Laurel which are located outside the limit of clearing shall require approval from the ARC. These are protected plants. Acceptable reasons for removal of protected plants include diseased plants and those causing danger because of leaning or impairment of vision for driving. 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.** Lots where trees are all smaller than six inches in diameter outside of the limit of clearing shall require the preservation of some trees as determined by the CPI Department. Builders/owners shall be required to replace vegetation destroyed that was not approved for destruction by the ARC.

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.

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 which will substantially destroy the natural beauty of the site and/or the adjoining areas, construction will not be approved.

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

**B. 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 company's conducting such work must be licensed as an "Arborist" or "Tree Expert" as defined by the Maryland Department of Natural Resources. Should it be determined that trimming in excess of that described herein cause a tree to die, the ARC will require the tree be replaced by the same species and of a size as described in Section 400.3.C. A permit must be obtained from the Committee prior to commencement of work.

**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 a different species approved by the CPI Department.

1. One (1) 3 inch caliper tree for every tree between 6 inches and 12 inches in diameter.

2. One (1) 4 inch caliper tree for every tree between 13 inches and 24 inches in diameter.

3. One (1) 5 inch caliper tree for every tree greater than 24 inches in diameter.

**D. Fill and Grading on Lots.** Fill up to twelve (12) inches, or to the depth allowed by local jurisdictions, whichever is less, of the average grade of the lot will be allowed without prior approval of the ARC. Runoff should be diverted into ditches or waterways without crossing adjacent lots. A fill and grade plan will be required and must show how water and sediment will be controlled during construction and at final grade. A special permit may be required from Worcester County Soil Conservation District, dependent upon location and amount of material to control surface drainage to prevent erosion of bare lands.

**E. Plantings.**

1. Any planting with a root system that could damage the bulkhead is prohibited in the fifteen (15) foot bulkhead maintenance easement. No tree, bush, shrub, etc. of any variety with a mature height greater than four (4) feet may be planted within the maintenance easement.
2. Plantings shall be shrubbery of the evergreen variety and a minimum of 18 inches high. Shrubby shall be spaced no more than three (3) feet apart to provide continuity.
3. Landscaping may include plantings, planters, stones, mulch and chips, berms, seeding, shallow ponds, and walk edging.
4. Landscaping shall be maintained in a pleasing manner and replaced when needed. If not maintained, the Association reserves the right to perform such maintenance.

**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 the ARC, shall be posted in a conspicuous place on the building site at all times. In addition, the County Building Permit shall be posted next to the CPI Department permit, if a County Building Permit is required.

**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 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. Pipe must be covered with 12 inches of Maryland State (Worcester County) specification "A 2-4" or better material (minimum 20% clay). The OPA Public Works Department inspector shall be notified 48 hours prior to installation to insure setting of pipe at the proper grade level. Only one (1) driveway culvert pipe will be permitted for any lot unless 120 feet of road frontage exists, in which case two pipes are allowed. Special circumstances will be reviewed by the Committee for any additional driveways.

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. No further work on the house is to continue until the as-built survey has been accepted by the ARC to be in accordance with approved plans. The ARC 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. In addition, for houses planned to be between 34 feet and 35 feet in height, a final elevation survey is required.

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 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 to be removed, and any other change affecting the appearance of the project upon its site and to its neighbors shall receive prior approval of the ARC. Changes proposed during construction shall be submitted in writing and plan form to the ARC for approval.

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 items outlined above, the following shall be required before any money paid as completion deposits will be refunded.

A. **House Number.** The street address house number shall be posted so as 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 not the same as the lot and section number, and can be obtained from the CPI Department office). House numbers shall not be less than 4 inches or no greater than 8 inches in height, a contrasting color, and visible from the street.

B. **Service Area.** Trash and rubbish containers are required and shall be concealed. An enclosed service area, large enough to store two-20 gallon containers for ashes, trash, rubbish or garbage, shall be required. An enclosed garage, shed, or utility structure, satisfies this requirement if utilized for this purpose and so noted on the application.

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 or shrubbery.

**D. Deck Screening.** All raised decks and porches must be screened if the deck/porch is 18 inches or more above ground level. Evergreen plantings placed 3 feet apart to provide continuity, may be employed provided they screen at least half of the open area (see ARC Guideline 400.2).

**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 OPA 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.

1. Contractor/Owner contacts CPI Department office for site inspection. Inspector checks that permit is posted and checks the lot for proper limit of clearing.

2. Contractor/Owner contacts CPI Department when lot is cleared. Inspector checks that limit of clearing has not been exceeded and stabilized construction entrances and erosion controls are in place.

3. Contractor/Owner contacts CPI Department when foundation is in and submits "Foundation Location Survey". Inspector checks BRL 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. Inspector will check siding for approval with permit and for any changes from approved plans.

5. Contractor/Owner contacts CPI Department for final inspection. 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 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. 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, or noncompliance in any way or at any time from Ocean Pines' 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.

**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 substantially completed as to exterior appearance within twelve months from the approval date. Request for a six month renewal permit may be submitted to the ARC for approval.

#### **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 the 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 Committee. (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.** All signs, billboards or advertising structures of any kind are prohibited except upon application to and written permission from the Committee".

**B. Intent.** The Committee 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 unless otherwise stated in applicable subsections of section 600.3.

A. **Size.** Signs shall be a maximum of 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 or in easement areas.

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.

I. **Approval.** With the exception of Political Signs, signs must be approved in writing by the Committee for design, location, placement date, and removal date. Approval must be requested by CPI Department application, which must be submitted at least two weeks prior to the desired placement date(s). More than one sign may be addressed in one 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 600.3.F 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 as long as 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 particular 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 600.3.D 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 as modified by this subsection. The following restrictions apply:

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 similar to 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. Political Candidate and Referendum Signs.**

1. Property Owner Approval. Signs may not be displayed on any developed lot or vacant lot without approval of the property owner.

2. 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". No political signs, displays, or literature may be placed on or in any property, right-of-way, building, bulletin board, structure, road sign, or tree owned by or under control of the Association.

3. Time Intervals. Signs for political candidates or referendum issues must be removed within seven (7) days after an election.

4. Specifications. Signs must be in conformance with Section 600.2 but may be in any color or material.

5. Number. Only one sign per candidate may be displayed at any one time in the front of the property. Signs with two (2) or more candidates' names may be used provided they conform to the size criteria. In the case of waterfront lots, golf course lots, and those backing on Rt. 589, Rt. 90, or Beauchamp Road, signs may be placed in front and rear of the property.

6. Handout Materials for County, State, or National Elections. To ensure the safety and protection of pedestrians and drivers, to prevent traffic problems from developing, and to control litter and trash possibilities, handout materials may be distributed only on election days at the designated polling locations within the parameters established by state or county laws and regulations.

**K. 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 or under in area. Any sign over 4 square feet must be approved by the Committee 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 than 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 Committee is required. Permits may be granted for three consecutive years for an annually recurring event.

**Section 600.4 Unauthorized Signs and Flags.**

**A. Removal of Unauthorized Signs and Flags.** Any sign or flag not adhering to the requirements of this section may be removed by an authorized agent of the Association.

**B. Disposition of Unauthorized Signs.** 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.** No numbered lot shall be used except for residential purposes. No structures shall be erected, placed or permitted to remain on any lot other than one (1) detached, single family residence dwelling and such outbuildings constructed in connection with such residence as are usually ancillary to a single family residence dwelling including a private garage. The Committee 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.

**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 Committee 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 in order for the Committee 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 Committee finds that such approval conforms to the requirements for variances as defined in the Restrictions.

**C. County.** The Worcester County Board of Appeals 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 structure, except in the case of child care.

**B.** Signs of any type referring to the Home Based Business, including window signs, will not be permitted.

**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 Committee.

**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.

**G.** The Home Based Business shall not generate substantial amounts of vehicular or pedestrian traffic. No more than two (2) vehicles used for the home

business will be permitted and shall not be parked in the road right of way. Vehicles used in conjunction with a home business must meet the weight limitation of Section 800.

**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. A fee will be charged. Committee approval is valid for one (1) year.

**B. Renewal.** Each year the application must be resubmitted to the Committee and will be re-evaluated for continued approval. 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, garage or other outbuilding shall be placed or erected on any lot, provided, however, that the Committee 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, RVs Recreational Vehicles.** No oversize vehicle, defined as having a GVWR greater than Class 3, including but not limited to commercial trucks, trailer trucks, and buses shall be parked or stored overnight or longer on any lot or street in the Section or Subdivision unless prior written approval from the Committee has been obtained. Any Recreational Vehicle is prohibited from being parked anywhere in Ocean Pines without written approval for the Committee being first obtained.

**B. Objective.** Pursuant to this authority and other requirements of the Restrictions, the Committee, by these Guidelines, establishes minimum standards for the storage of oversize vehicles, RV's, slide in campers and trailers on lots in Ocean Pines to provide minimum visible impact on the community and maintain property values. Additionally, any vehicle, trailer, slide in camper, or tent 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. The Declarations of Restrictions place few, if any, restrictions on these activities. Thus, the Committee

exempts boats and boat/PWC trailers from this restriction. All other trailers that are smaller than sixteen (16) feet in length and less than four (4) feet in height are also exempt from the specifications of 800.2 and 800.3 below.

**Section 800.2 Specific Guidelines.**

A. **Location.** Storage shall be wholly 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 and screened from public view. Storage shall be prohibited on any portion of the street or right-of-way.

B. **Number.** The Committee has established the following limitation on motorized watercraft stored on a 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 Committee.

C. **Screening.** Screening shall be evergreen landscaping of such height and type of growth to effectively conceal the vehicle. With proper approval, fencing may be used to screen the vehicle when landscaping is not practical. The CPI Department shall have the right to request the removal of the vehicle if these conditions cannot be met.

D. **Use During Storage.** No vehicle or trailer shall be used as a dwelling place, nor shall any overnight camping be permitted on any lot in any vehicle.

E. **P.O.D.S. - Portable On Demand Storage Containers.** 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 located in the residence driveway or paved parking area.

**Section 800.3 Permit Procedures.**

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

1. **Two-week periods.** No more than four (4) two-week temporary permits will be issued per year and there must be separation of at least two (2) weeks between periods.

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.** Long term parking or storing of an oversized vehicle requires a permit issued by the Committee as long as the conditions of Section 800 of the ARC Guidelines are met. The CPI Department requires the following information to be submitted with each application for long term storage:

1. Site plan showing the proposed location of the vehicle, and proposed screening, either fencing, evergreen plantings, or a combination thereof.

2. Application for long term parking permit filled out and signed by the lot owner.

3. Payment of Filing and inspection fees, plus completion agreement.

### **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. The Committee may grant a written variance from the requirements of Section 900.2 if strict adherence to the specifications will result in unnecessary hardship and not fulfill the intent of this section.

#### **Section 900.2 Requirements.**

**A. Plan.** An erosion and sediment control plan shall be shown on the site plan as part of a new construction submittal if disturbance on the lot exceeds 5,000 sq. ft. or more than 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, 2 ½ inches, or larger, covering a minimum of twenty (20) feet wide x 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 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. 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 within seven calendar days after 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.** Establishes minimum requirements and procedures to control any adverse visual impact from the placement of satellite dishes.

**B. Authority.** Ocean Pines Declaration(s) of Restrictions prohibits such structures. FCC regulations since the Restrictions were written allow an individual to place a dish up to 1 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 line of site can be achieved 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.

B. **General.** No stripped down, partially wrecked, or junk motor vehicle, or sizeable part thereof, shall be permitted to be parked on any street in the Section or Subdivision or on any lot. No vehicle shall be parked on any street in the Subdivision.

C. **Guidelines.**

1. All vehicles must be parked on the residence 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 and other on-site conditions, are to be considered.

**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 "Drain age 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 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.
2,000	100.0%	2,000
2,100	100.0%	2,100
2,200	100.0%	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*

## **GLOSSARY**

**Architectural Fence** - a structure, usually made of wood 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.

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

**Boathouse** - A boat covering structure, whether call 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.

**Building Area** - Calculated as the gross 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.

**Carport** - An 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. 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.

**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** - Structure connecting the shore to a dock.

**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 Committee to deviate from a limitation imposed by these Guidelines.

**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 structure, either fixed or portable, usually constructed of masonry or metal, in which a fire is contained.

**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 on.

**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.

**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 plot 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.

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

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

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

**Permit** - Written approval from the Committee.

**Personal Watercraft (PWC)** - A power driven craft 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 water crafts. (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 also contains information as to easements, restrictions, and lot numbers.

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

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

**RV/Motorhome** - A vehicular unit designated as a Class A, B or C Motorhome, built on a self-propelled motor vehicle chassis, having a self-contained or semi-contained living quarters. Also considered to be an RV is 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 structure serving for storage or shelter.

**Siding** - The outside finished covering on 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.

**Storage Structure** - A free-standing structure (also called cabinet, storage unit, etc.) having less than 20 sq. ft. in floor area and 78" or less in height used for storage or shelter.

**Structure** - An assembly of parts manufactured of various materials.

**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, 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, have a flat bed, have a frame designed for holding a particular load, or designed as a recreational vehicle.

**Variance** - Authorization from the Architectural Review Committee 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 Restrictions or Guidelines.

**Walkway and/or Platform** - A structure to get from shore (natural or bulkheaded) to a floating dock. Such a walkway shall be limited to a maximum width of 3' and of such length as restricted by current county codes.

**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.

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**OCEAN PINES ASSOCIATION  
ADVISORY COMMITTEE APPLICATION**

1. Name of Applicant: Rachy Grimes

2. Address: 54 Ocean Pkwy Berlin, Md 21811

3. Email: Rgrimes@mehsi.com

4. Telephone: 240-355-8723 Property Owner for 15? (years)

5. Committee in which you would like to be involved:

<input checked="" type="checkbox"/> Aquatics	Re-Appointment	_____
_____ Architectural Review	Re-Appointment	_____
_____ Budget & Finance	Re-Appointment	_____
_____ By-Laws & Resolutions	Re-Appointment	_____
_____ Clubs	Re-Appointment	_____
_____ Elections	Re-Appointment	_____
_____ Environmental & Natural Assets	Re-Appointment	_____
_____ Recreation & Parks	Re-Appointment	_____
_____ Communications	Re-Appointment	_____
_____ Comprehensive Planning	Re-Appointment	_____
_____ Search	Re-Appointment	_____
_____ Marine Activity	Re-Appointment	_____
_____ Tennis	Re-Appointment	_____
_____ Other _____	Re-Appointment	_____

Term: 1st    2nd    3rd ~ Term will expire: 11/26/20

6. Why do you want to be on this Committee? to continue as chair and continue on projects ongoing

7. What knowledge/input can you offer to this Committee? for Aquatics

Signature R Grimes Date 12/13/19

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1st Endorsement from Committee Chairperson:  
Comment: \_\_\_\_\_

Signature R Grimes Date 12/13/19

---

2nd Endorsement from Board Liaison to Committee:  
Comment: \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

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Board Action: \_\_\_\_\_ Date: \_\_\_\_\_

President's Signature \_\_\_\_\_ Date \_\_\_\_\_