

## **SECTION XII.     ARCHITECTURAL REVIEW, PERMIT PROCESSING PROCEDURES, AND COMMUNITY STANDARDS**

### **A. Permit Review Guidelines**

1. Permit reviews are an Association requirement for implementing lot construction plans. The Association does not charge lot owners for this service.
2. Permit reviews determine whether the plan meets the community standards outlined in the Association governing documents and delivers an accepted or rejection letter to the property owner.
3. Permit reviews are signed by the Chairperson and one committee member of the Architecture Review and Permit Processing Committee, unless the Chairperson has delegated signature authority, as a confirmation that the building request is or is not in compliance with the MBCA Declaration of Restrictions and governing documents.
4. Permit Accepted: Accepted decisions will be issued within fifteen (15) working days of receipt.
5. Permit Rejected:
  - a. If there is a potential conflict with the MBCA Declaration of Restrictions or governing documents, the Architectural Review and Permit Processing Committee will contact the property owner via telephone to resolve the issue.
  - b. An Owner may make a presentation to the Architectural Review and Permit Processing Committee at a scheduled meeting of the committee, or at the next Board of Directors meeting to clarify or amend the conflict. A decision will be issued within 15 (fifteen) days of the scheduled meeting.

### **B. Permit Review and Approval Procedure**

1. The following documents are required for a preliminary review or permit approval (electronic submission is preferred – originals will not be returned):
  - a. Signed TOC permit
  - b. Site Plan
  - c. Drawings (blueprints)
2. MBCA Office Manager responsibilities:
  - a. Logs the request on the designated electronic clipboard.
  - b. Completes a yellow permit review card for a preliminary review or regular permit review requests.
  - c. Verifies the required documents and owner contact information are provided. Incomplete requests shall not be accepted and shall be returned to the property owner for all documents noted in section 1.a, b, and c.

- d.** Ensures the member is in good standing and no fees are outstanding.
  - e.** Ensures contact information on the permit matches the information in the MBCA database.
  - f.** Places the permit request package in a specified Permit Review/Approval In-Box and notifies the Chairperson of the Architectural Review and Permits Committee that a request is pending.
  - g.** Monitors the Permit Review in-box and uses good judgment when an action reminder may be necessary.
  - h.** Notifies the owner or contractor that the approved yellow card is ready for pickup and posting on the job site.
  - i.** Copies the yellow card and files it in the appropriate folder along with original plans and a copy of the TOC permit.
  - j.** Logs the approval date in the electronic/excel folder.
- 3.** Two members of the Architectural Review and Permit Processing Committee will review the request and may visit the site and/or contact the owner if further clarification is needed. Any clarifications will be documented and filed.
  - 4.** Upon approval, the office manager will log the date, copy the yellow permit card, notify the owner/assignee, and file all documents.
  - 5.** Paper documents shall be retained for the current year, plus two additional years, unless the documents are electronically scanned and stored on the MBCA primary or backup hard drive(s) or backup programs.
  - 6.** Except for duplicate copies, permit review documents shall not be removed from the MBCA office.

### **C. Permit Review and Approval Practice**

- 1.** All external construction shall conform to MBCA standards and requirements, which are prescribed in the Declaration of Restrictions and governing documents.
- 2.** The MBCA shall not issue a cease-and-desist order for a violation, nor assume the resulting liability from such action.
- 3.** Unresolved violations shall involve the President of the Association and be coordinated with the Association Attorney.
- 4.** Violations of TOC Code shall be made to the Town after consultation with the President.
- 5.** The Association represents the community interest, but this does not prohibit a member from reporting code violations to the Town.
- 6.** The committee shall ensure building plan permits meet both Town zoning setbacks and MBCA established setbacks (See Figure 1: Standard Setbacks).

- a. A lot owner shall be permitted to build only within the standard lot size and is prohibited from extending setbacks into adjoining properties.
  - b. The Board will not grant a setback waiver of Town requirements for Mobile Home Residential Districts.
- 7. Waterfront Property:
  - a. As required by the Declaration of Restrictions and the Resolution of 2013, each lot owner with waterfront property shall be responsible for maintaining the bulkhead and docks in good repair.
  - b. Each lot owner on the water must meet all codes and standards for the waterside portion of their lot, which may be a deviation from the rear standards for a standard lot in Montego Bay.

#### **D. Community Standards**

Defined in the MBCA Declaration of Restrictions paragraph 3b as: the baseline for community standards (Appendix 14 – MBCA Community Standards, Restrictions, and Violation Summary) and aesthetics are those that legally exist as of the date of the Declaration. Adding anything unique to the community standard, even if allowed under the TOC Code, must receive written approval from the Board of Directors. Lot owners are required to adhere to all standards outlined in the Association’s governing documents to include but not limited to the following:

##### **1. Care and Maintenance<sup>1</sup>:**

- a. Lot owners’ responsibilities:
  - (1) Repair and maintenance of the home exterior and outdoor structures on the lot.
  - (2) Maintain the grass, shrubbery, and living fence in a neatly trimmed and attractive manner.
  - (3) Maintain the lot in a neat, clean, and attractive condition at all times.
  - (4) Bulkheads and docks shall be maintained in good repair and kept in a neat condition.
- b. Violations:
  - (1) In the event a lot owner fails to maintain the home exterior, outdoor structures, bulkhead, dock, grass, shrubbery, or living fence in the manner prescribed, MBCA shall have the right through its agent(s) and employees to:
    - (a) Inspect and photograph the lot and exterior structures,

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<sup>1</sup> Proposed and approved by the Board on February 13, 2021 (Motion #2016.05.14.01).

- (b)** Identify and record violations of the community standards and governing documents,
- (c)** Draft a list of repairs and maintenance required in order to comply with community standards,
- (d)** Provide a written notice, on a form approved by the Board of Directors, to the lot owner within ten (10) days addressing the following:
  - (i)** Violation(s) identified,
  - (ii)** Timeline of not less than fifteen (15) days, nor more than forty-five (45) days to return resolution form with plan to restore the property to acceptable community standards,
  - (iii)** If the lot owner does not respond, a second notification with a one-time \$75.00 fine.
  - (iv)** If the lot owner still does not respond, notifications will be sent to the lot owner that if said violation(s) are not satisfied within the prescribed timeline, MBCA may perform through its agent(s) or employee(s) the repair, maintenance and, or restoration projects needed to restore the lot, home exterior, outdoor structures, bulkhead, and dock and, or trim the grass, shrubbery, living fence to community standards at the expense of the lot owner,
  - (v)** MBCA shall charge the lot owner the reasonable cost incurred by MBCA plus a ten (10) percent administrative fee.
  - (vi)** The expenses incurred shall become an assessment against the lot, and if not satisfied within thirty (30) days, the failure to pay may result in penalties, fees, and/or a lien against the property. These costs are in addition to penalties identified in paragraphs 1c and 1d.
- c.** Any violation of this paragraph or the community standards outlined in the MBCA governing documents shall subject the lot owner to a penalty of \$75.00 per day.
- d.** The lot owner shall be obligated to reimburse MBCA for all costs, including attorney fees and litigation expenses incurred by the Association to enforce this provision.

## **2. Signs<sup>2</sup>:**

- a.** Home-businesses are prohibited from posting a sign on the property unless specifically defined and approved in writing by the Board.

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<sup>2</sup> Proposed and passed by the Board February 9, 2013

- b.** A Single “For Sale” or “For Rent” sign may be placed on each street side of the property when a contract is signed with a licensed agent. Waterfront properties may place a single sign on water end of the property in addition to the street side.
- c.** Signs shall not exceed two (2) feet high by three (3) feet wide.
- d.** Properties “For Sale/Lease by Owner” shall adhere to the same guidelines for licensed agents.
- e.** “For Sale” and/or “Sold” signs shall be removed on the day of settlement.
- f.** “For Rent” signs shall be removed on the day the lease is signed.
- g.** “Construction” Signs:
  - (1)** Signs are permitted when building equipment is on site or the foundation is under construction.
  - (2)** The sign shall be removed upon the issuance of a Certificate of Occupancy, or the final inspection has been conducted for exterior or interior remodeling projects.
  - (3)** If the sign is not removed as required in this section, the Association may remove the sign without notice. to the builder or lot owner.
  - (4)** Removed signs may be picked up at the Association office.

### **3. Roof Pitch<sup>3</sup>:**

- a.** The roof pitch of homes in Montego Bay shall comply with TOC Codes of Ordinances: No. 1993-1, § 105-11.2, 1-19-1993; No. 2005-26, 9-6-2005; No. 2010-26, 9-20-2010).
- b.** Mobile home developments including detached single-family manufactured buildings (mobile home); detached single-family industrialized buildings (modular home); and detached single-family custom-built buildings (stick built), are subject to the same height, area, bulk, and other requirements set forth for mobile homes.
- c.** The ridge line height of a home shall not exceed the height of a 9/12 pitch gable roof<sup>4</sup> constructed in relationship to the shortest parallel sides of the unit<sup>5</sup>.
- d.** The area above the maximum building height under a sloped roof not exceeding a 9/12 roof pitch may be used for habitation subject to dormers not exceeding the ridge line of the main building and in compliance with all applicable life-safety regulations: however,
- e.** Roofs shall be consistent with the aesthetics of the community and the primary roof ridge shall not be higher than the height of the peak of a gable end of the home (as if there was a gable end

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<sup>3</sup> Proposed and passed by the Board on February 9, 2013

<sup>4</sup> 9/12 roof pitch equivalents – roof rises nine (9) inches in a length of twelve (12) inches. A 9/12 roof pitch angle is equal to 36.87 degrees.

<sup>5</sup> Proposed and passed by the Board on May 14, 2016 (Motion #2016.05.14.01)

when a different roof design is used). The height of the peak of the roof ridge is approximately nine (9) feet above the sill plate of the roof<sup>6</sup>.t above the sill plate of the roof<sup>7</sup>.

**4. Sheds<sup>8</sup>:**

- a. TOC Code, Zoning Ordinances Section 110-425: Permitted accessory uses.
- b. On subdivided mobile home lots, an accessory storage structure is permitted within required side yard setbacks not to exceed 100 square feet provided a minimum five-foot setback is maintained from lot lines.

**5. Fences<sup>9</sup>:**

- a. Standard Fence: No chain-link, vinyl, wood, or similar fence material may be installed on any lot except for those permitted in this section.
- b. Living Fences are permitted subject to the following conditions:
  - (1) A living fence is defined as a permanent hedge tight enough and tough enough to serve almost any of the functions of a manufactured fence, but it offers agricultural and biological services a manufactured fence cannot.
  - (2) Living fences shall be of an agricultural plant variety approved by the Board of Directors.
  - (3) Living fences shall not exceed a height of more than thirty (30) inches, nor a width of thirty (30) inches.
  - (4) The length of the living fence may extend the length of the building lot past the front of the home to the lot side edge of the sidewalk. It shall not extend into any part of the sidewalk.
- c. Non-Living Screens are permitted as follows:
  - (1) Trellises shall not exceed seven (7) feet in height by four (4) feet in width.
  - (2) Landscaping Fence of a white vinyl picket material shall not exceed a total of twenty (20) linear feet in length, thirty (30) inches in height, and shall not exceed more than one fence of this type per lot. The height of the fence is measured from the top layer of the driveway including any sand, dirt, or rocks used in conjunction with the fence.
  - (3) Sound Reduction Fencing may be installed near a heating and air condition unit to abort the noise level but shall not exceed six (6) feet in height and six (6) feet in width and must be composed of white vinyl only.
- d. Privacy Fences of any kind are prohibited in Montego Bay.

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<sup>6</sup> Proposed and passed by the Board on April 16, 2016

<sup>7</sup> Proposed and passed by the Board on April 16, 2016

<sup>8</sup> Proposed and passed by the Board on April 16, 2016

<sup>9</sup> Proposed and passed by the Board on April 16, 2016

- e. Fencing or Railings for Waterfront Lots are permitted subject to the following conditions:
  - (1) Fences shall consist of a white vinyl picket style and shall not exceed a height of three (3) feet.
  - (2) Fences shall be installed parallel to the water side of the lot for the sole purpose of protecting the life and safety of the lot owner, his/her family, guests, and visitors.
  - (3) A 10-foot return is permitted on each side of the lot with a return side connecting back to the house.
  - (4) This section does not apply to pets.
- f. Parking Pad Chain:
  - (1) A single-strand white plastic swag chain is permitted across the front portion of a driveway to prohibit unauthorized parking.
  - (2) The chain shall not exceed thirty (30) inches in height above the surface of the driveway, nor two (2) inch links.
- g. Lot Border Chain:
  - (1) A single-strand white plastic swag chain with black posts not to exceed thirty (30) inches in height, nor two (2) inch links, may outline the perimeter of a lot.
  - (2) The lot owner erecting the chain assumes all associated liability that may be incurred because of installing this type of barrier.

**6. Dormer<sup>10</sup>:**

- a. A shed roof is prohibited on all dormers.
- b. Non-shed roofs are permitted with a roof pitch of not less than 4/12 nor more than 9/12 and shall:
  - (1) not be higher than the peak of the primary roof
  - (2) have vertical sides
  - (3) have at least one dormer window that meets egress and ingress life-safety standards established in the TOC Code Section 10, 16, and 24 of the Standard Building Code 1972 § 34-1.1.
- c. A maximum of three (3) dormers are permitted per side of the roof.<sup>11</sup>
- d. The maximum width shall not exceed more than eleven (11) feet for any dormer.<sup>12</sup>

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<sup>10</sup> Proposed and passed by the Board on September 13, 2014, updated on August 6, 2015, and updated on March 13, 2021 (Motion #2021.03.13.05).

<sup>11</sup> Proposed and approved by the Board on October 9, 2021. Motion #2021.10.09.03

<sup>12</sup> Proposed and approved by the Board on October 9, 2021. Motion #2021.10.09.03

- e. The distance between dormers shall not be less than the width of the largest dormer.
- f. A dormer constructed on the front and/or rear of a home shall be spaced with a one (1) foot rake<sup>13</sup>, except for waterfront homes which are exempt from having the rear rake.
- g. The spacing between dormers shall not be less than the size of the largest dormer.

**7. Reverse Gable<sup>14</sup>:**

- a. A gable style roof shall not be less than a 4/12 pitch roof, nor more than a 9/12 pitch.
- b. The height shall not exceed the peak of the primary roof.
- c. The sidewalls and interrupts shall be flush with the soffit/gutter line of the roof.
- d. Vertical sides are prohibited.
- e. A house shall not have more than one reverse gable per side of the roof.
- f. Bump-outs that break the vertical plane of the sidewall are prohibited.
- g. The maximum width shall not be wider than the width of the home or fifty (50) percent of the length of the primary roof on that side of the home, whichever is shorter.
- h. The total linear feet of any combination of a reverse gable and dormers per side of the roof shall not exceed the width of the home or fifty (50) percent of the length of the primary roof on that side of the home, whichever is shorter.

**8. Building Height<sup>15</sup>:**

- a. TOC Code of Ordinances, Part II, Section 110-422(1)(i). (See Figure 4)
- b. The seventeen (17) foot height of a home in Montego Bay is measured from the crown of the road on the street abutting the property to the roof sill plate and established for the street side corners of the home.

**9. Miscellaneous Standards<sup>16</sup>:**

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<sup>13</sup> A rake is an architectural term for an eave or cornice which runs along the gable of the roof of a modern residential structure. It may also be called a sloping cornice or a raking cornice. The trim and rafters at this edge are called rake, verge, or bargeboard or verge or barge-rafter. Cornice – Wikipedia. <https://en.wikipedia.org>.

<sup>14</sup> Proposed and passed by the Board on September 13, 2014

<sup>15</sup> Proposed and passed by the Board on September 9, 2014, and updated on June 29, 2015

<sup>16</sup> Proposed and passed by the Board on June 10, 2020



- a.** Garages are prohibited on all improved or vacant lots in the Montego Bay Community.
- b.** Second story decks on the front of any home are prohibited.
- c.** Second story decks on the rear of any standard interior lot which is not on the water are prohibited.
- d.** As per TOC Code, Section 110:932, Subsection B1, homes in Montego Bay shall not have more than three (3) bedrooms.
- e.** Vehicles, trailers, and/or marine craft shall:
  - (1)** only be permitted to park on the seventeen (18) foot by twenty (20) foot parking area<sup>17</sup>, not on the side of the house<sup>18</sup>, and
  - (2)** be properly registered and operational to remain on the lot.
- f.** Rented property lot owners shall:
  - (1)** notify the MBCA that their property is a rental,
  - (2)** furnish the MBCA with a copy of the annual Ocean City rental permit, and
  - (3)** display the permit at the residence as required by the TOC Code Chapter 14, Section 14-174, Paragraph A.
- g.** Outside television and radio antennas are prohibited on homes and lots.
- h.** Satellite dish antennas are permitted, but shall:
  - (1)** be of a size and in a location approved by the Board of Directors,
  - (2)** be mounted on the rear portion of the home's roof, and
  - (3)** not be mounted on the ground or on a pole.
- i.** Vacant lots shall be kept neat and clean with grass, bushes, and trees properly maintained.
- j.** Lampposts:
  - (1)** The lot owner shall be responsible for the painting and numbering the property lampposts with a flat black paint and numbers of a size and style approved by and supplied by the Association.
  - (2)** The Association will furnish white replacement bulbs of a style and wattage approved by the Board of Directors. No other colored bulb is permitted.
  - (3)** The Association will replace damaged or inoperable lampposts except as noted in section 8.j.iv.

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<sup>17</sup> Parking pads may be extended but cannot change the curb cuts.

<sup>18</sup> Proposed and passed by the Board on October 9, 2021. Motion #2021.10.09.03

- (4) Should a lamp post be damaged because of negligence on the part of the lot owner, their guests, or their contractors, the lot owner shall be responsible for reimbursing the Association for the lamppost's replacement costs.

**k. Expansion of Lots:**

- (1) A lot owner who purchases an adjoining lot, whether it is one of the 1,523 Montego Bay building lots or part of the MBCA common property area, is prohibited from increasing the setbacks of their current building property by adding the two properties together.
- (2) A lot owner is prohibited from combining two or more lots to construct a home.

**10. Silt Fences<sup>19</sup>:**

- a. A silt fence, sometimes called a "filter fence," is a temporary sediment control device used on construction sites to protect water quality in nearby streams, rivers, lakes, and seas from sediment in storm water runoff.
- b. Silt fences are required when homes are built or demolished in the Montego Bay Community.
- c. Silt fences shall be a minimum of thirty (30) inches high.
- d. The homeowner shall be responsible to ensure that the builder or contractor manages the placement, replacement, and repair of the silt fence.

**11. Trash Receptacles<sup>20</sup>:**

- a. The solid waste code for the trash receptacles under TOC Code section 70-35, paragraph (b) states the following: Every residence and commercial establishment in Ocean City, Maryland, will, at-all-times, furnish garbage containers (cans, dumpsters, waste wheelers, etc.) with secure lids as directed by this article and/or as directed by the solid waste division. No residence or commercial establishment will be occupied without the presence of the prescribed size and type of garbage containers.
- b. Residences shall have a minimum of one (1) trash receptacle with an attached lid that is always kept closed.
- c. Lot owners may purchase a second trash receptacle to avoid overflow issues.

**12. Yards<sup>21</sup>:**

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<sup>19</sup> Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

<sup>20</sup> Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

- a. Rear yards shall maintain a five (5) foot setback with nothing permitted in this area except for an HVAC unit and/or shrubs.
- b. Side yards shall maintain a combined setback of fifteen (15) feet with no less than five (5) feet on one side.
  - (1) The five (5) foot setback side shall have nothing permitted within the area except for an HVAC unit, fireplace bumpout, and/or shrubs.
  - (2) Homes with an existing door with steps, may remain, be repaired, or be replaced within the five (5) foot setback area, but the structure is limited to a landing of three (3) feet by three (3) feet.
- c. The ten (10) foot setback side may have one (1) shed not to exceed 100 square feet and shall maintain a five (5) foot setback.
- d. The ten (10) foot side setback may have one (1) or two (2) sets of steps with a maximum landing for each of five (5) feet by five (5) feet and shall maintain a five (5) foot setback.
- e. The ten (10) foot side may have one (1) shower stall with a maximum size of five (5) feet by five (5) feet and shall maintain a five (5) foot setback.

**13. Entry Porch Roof or Covers<sup>22</sup>:**

- a. The ten (10) foot setback side may have a maximum roof size of five (5) feet by five (5) feet.
- b. The five (5) foot side may have a maximum roof of three (3) feet by three (3) feet only, under the exception established in section 11b.

**14. Front Yard<sup>23</sup>:** The front yard is defined as the parking pad, streetlight, and address side of the home and is limited to a minimum fifteen (15) foot setback with no exceptions.

**15. Parking Pad<sup>24</sup>:** The minimum size permitted for a parking pad is eighteen (18) feet by twenty (20) feet.

**16. Copulas<sup>25</sup>:** Homes may have a maximum of two (2) roof copulas which shall be limited to a size of nine (9) square feet – three (3) feet in height by three (3) feet in length and three (3) feet in width.

**17. Alcove Style Porch Enclosure (See Figure 2 & 3):**

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<sup>21</sup> Proposed and passed by the Board on October 14, 2017. Motion #2017.10.14.02.

<sup>22</sup> Proposed and passed by the Board on October 14, 2017

<sup>23</sup> Proposed and passed by the Board on October 14, 2017 and edited by the Board on October 9, 2021. Motion #2021.10.09.03

<sup>24</sup> Proposed and passed by the Board on October 14, 2017

<sup>25</sup> Proposed and passed by the Board on June 13, 2020

- a.** An Alcove is defined as a small, recessed porch area set back from the perimeter wall of the home with an opening to the outdoors.
- b.** Alcoves are permitted to a maximum width of 15 feet and shall not extend beyond any perimeter wall of the home.
- c.** Railings must meet TOC approved standards for style and height.
- d.** Railings shall be of vinyl constructions with colors, other than white, approved by the Board of Directors.
- e.** Screen enclosures are permitted.

Figure 1. Standard Setbacks

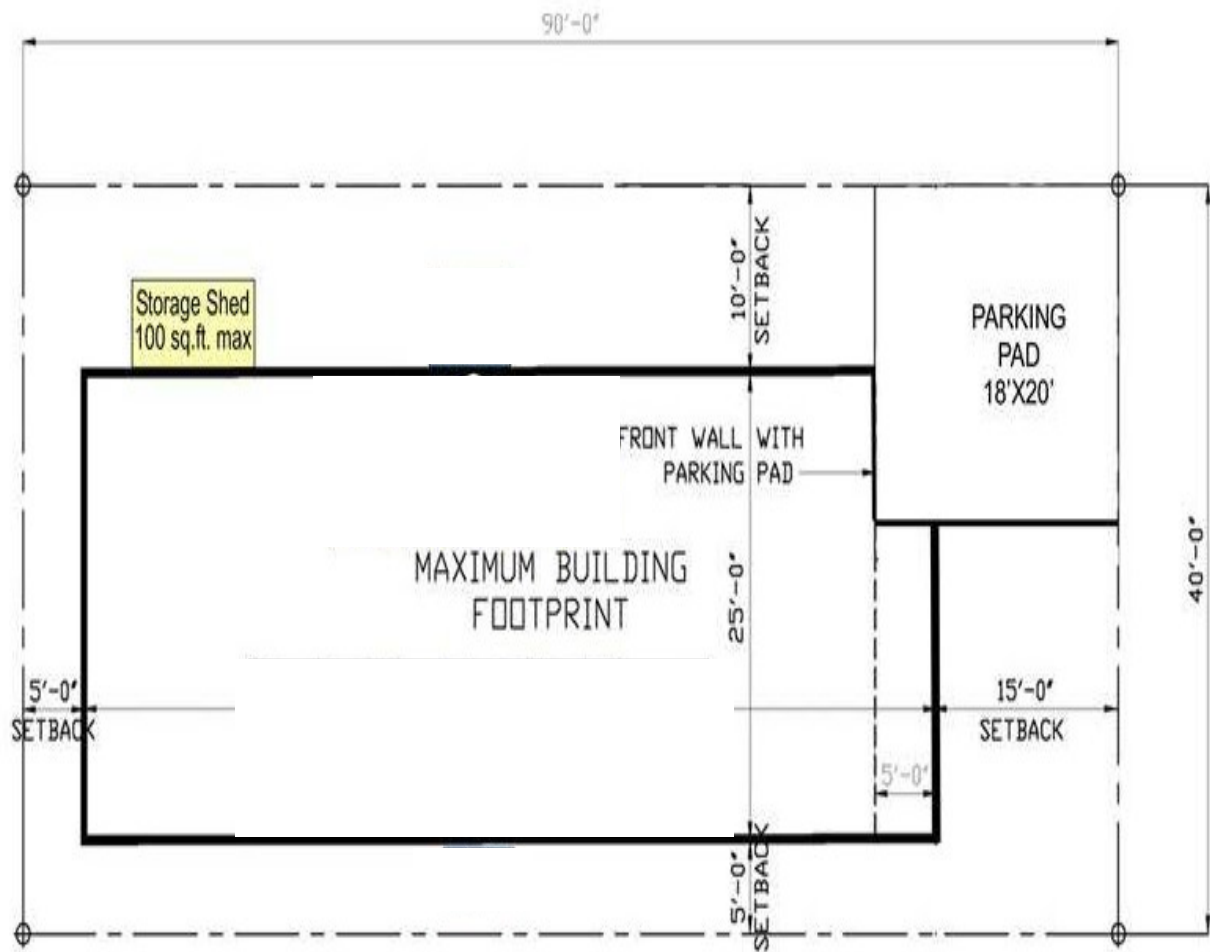


Figure 2. Alcove Style Porch Enclosure Specifications

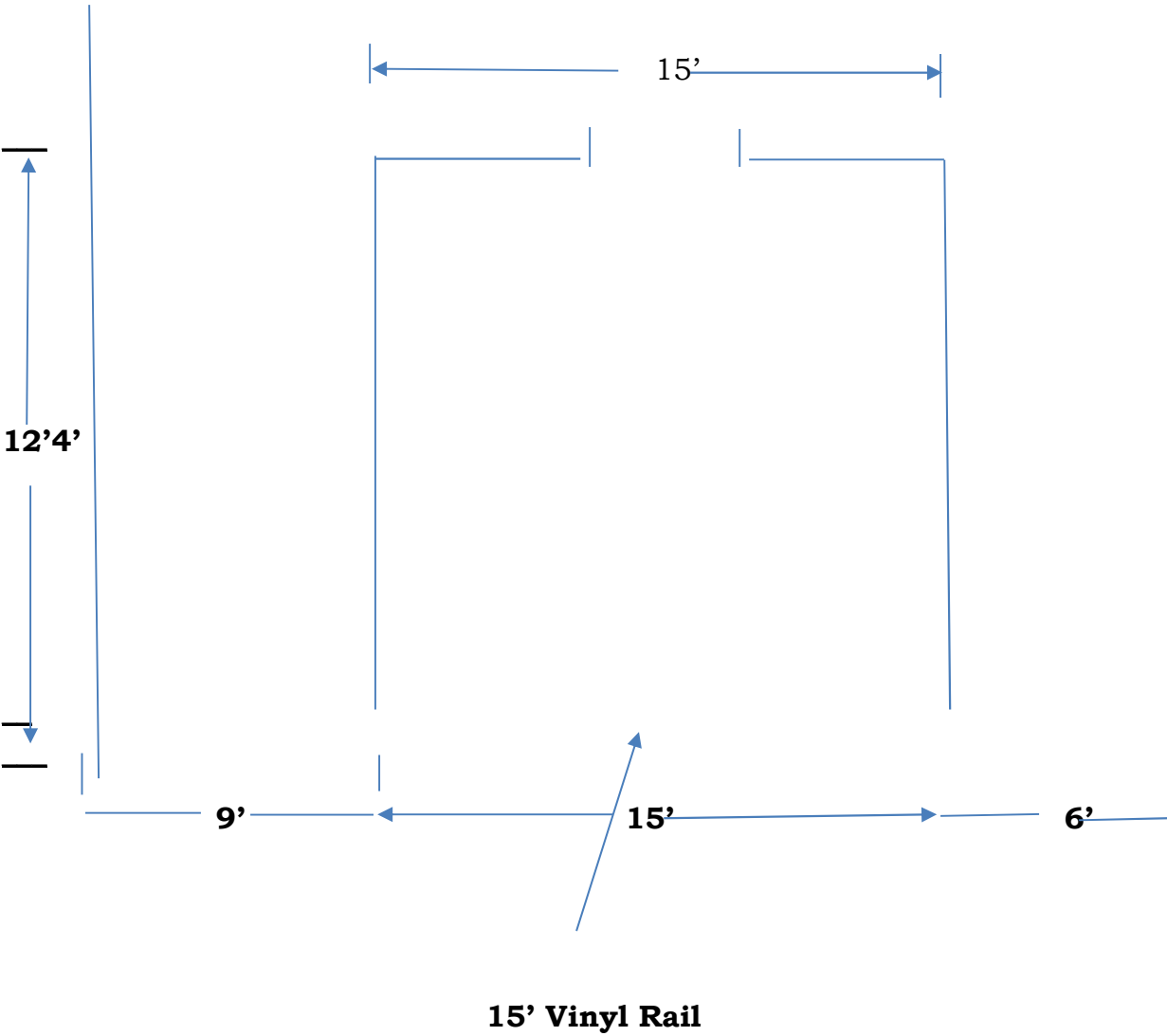
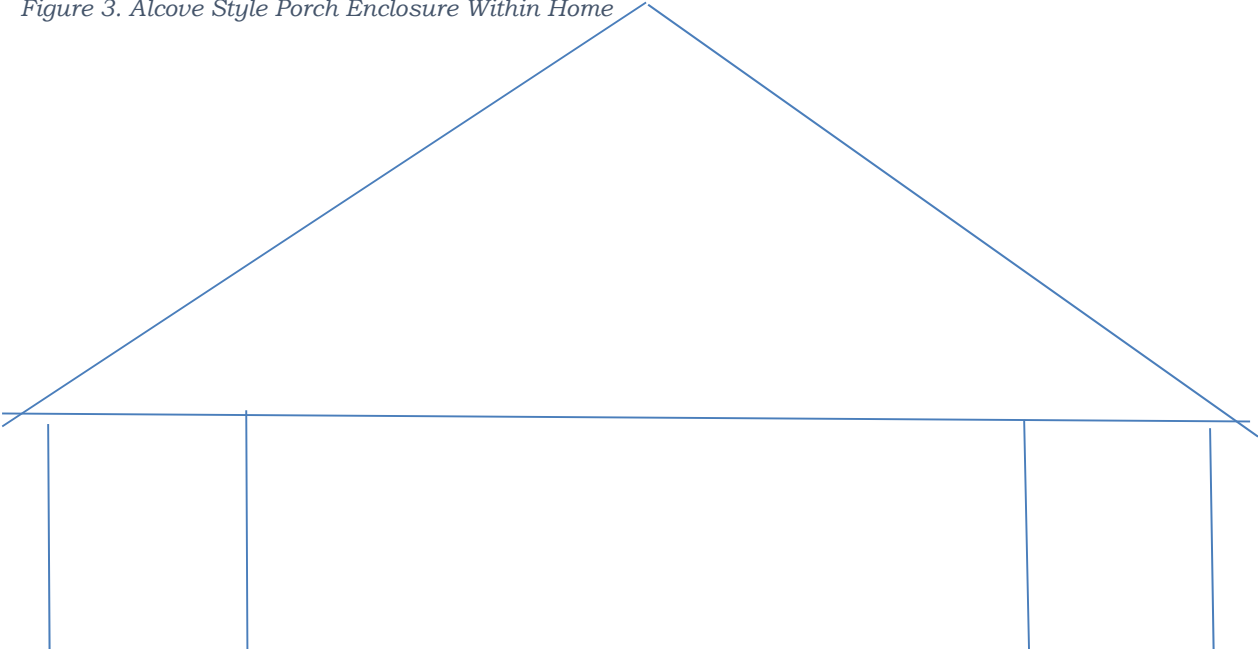
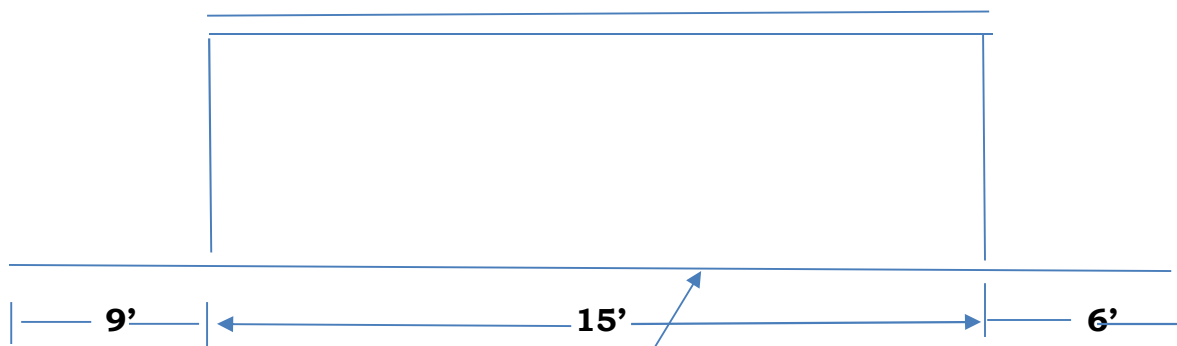


Figure 3. Alcove Style Porch Enclosure Within Home





**15' Vinyl Rail**

Figure 4. Montego Bay MH Zoning Height

