Montego Bay Civic Association

BOARD OF DIRECTORS
Operational, Administrative, and Procedures MANUAL
August 11, 2012

PURPOSE: This Board of Director’s Operational, Administrative, and Procedures Manual (hereinafter referred to as the Director’s Manual or Manual) is initially established by the 2011-2013 Board of Directors, to define the procedures the Board will take to carry out the duties and responsibilities required by the MBCA Declaration of Restrictions, the MBCA Bylaws, and the MBCA Articles of Incorporation. This manual is also to serve as a guideline and document the requirements for the day-to-day operations of the Montego Bay Civic Association (MBCA), Inc.

ARCHITECTURAL REVIEW & PERMIT PROCESSING COMMITTEE PROCEDURES
(Revised, Presented to the Board, and Implemented on September 14, 2013; unless otherwise noted)

MBCA Property owners are responsible for obtaining a Permit review from the MBCA office anytime a Town of Ocean City building permit is required for any construction that would replace or alter the external look of the dwelling, and extensions thereof, on a lot.

Permit reviews are to determine whether the permit is Accepted or Rejected. Permit reviews are signed by the President and the Chairman of the Architecture Review and Permit Processing Committee (unless the Chairman has delegated signature authority in their absence) as a confirmation that the building request is or is not in compliance with the MBCA Declaration of Restrictions.
**Permit Review Guidelines:**

**Permit Accepted:** Permit Accepted decisions will be issued within 15 (1/14/17) working days of receipt.

**Permit Rejected:** If there is a potential conflict with the MBCA Declaration of Restrictions, the Architectural Review and Permit Processing Committee will recommend to the President that the owner be notified by telephone and/or a written rejection letter stating the issue to be resolved. The Permit Committee may draft up the content of a rejection letter and the Secretary will finalize the letter for the President’s signature. An Owner may make a presentation to the Architectural Review and Permit Processing Committee at an announced meeting of the Committee or at the next Board of Directors meeting; whichever is earlier. Under these circumstances, the Permit Review process will take longer than the 15-business day period.

If there is any question about the necessity of a permit review by the Association, the owner should contact the Architectural Review and Permit Processing Committee in advance. The property owner is ultimately responsible, but may assign the acquisition of the permit review to his/her contractor (“assignee”).

MBCA makes no charge for permit reviews.

**Permit Review/Approval Procedure:**

1. Documents required for submission to the MBCA office (originals will not be returned) for preliminary review or permit approval:
   - Town of Ocean City signed permit
   - Site Plan
   - Drawings (blueprints)

2. MBCA Administrative Assistant will
   a. log in the request on the clipboard
   b. prepare a yellow permit card (the permit card is also used for preliminary review requests)
   c. verify the required documents and owner contact information are provided, if not, do not accept the request and ask them to return with all the required documents.
   d. check to ensure the member is in good standing and no fees are outstanding
   e. ensure contact information on the permit matches the information in the MBCA database
   f. place the permit request package in a specified “Permit Review/Approval In-Box”
g. and notify the Chairman of the Permits Committee that a request is pending.

h. Monitor the Permit Review in-box and use good judgment when an action reminder may be necessary.

i. Once the permit has been reviewed and approved, notify the Owner and their Representative that the permit package is ready for pickup and posting on the job site. Ensure that all MBCA attachments are provided to the person who picks up the yellow permit card. Ensure, at a minimum, that a copy of the approved permit is retained along with the city permit and placed in a folder for that specific property.

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.

4. Once the Approval is granted, the Administrative Assistant will log in the date, copy the yellow permit card, notify the owner/assignee and provide them a copy of the MBCA Declaration of Restrictions and these procedures, and file all documents. Paper documents are to be retained for two years plus the current year unless they are electronically scanned and stored on the MBCA primary or backup hard drive(s) or backup programs.

5. Permit review documents may not be taken from the MBCA office. Copies of permit review documents may be taken from the MBCA office.

Permit Review/Approval Practice:

1. All external construction must meet any MBCA additional requirements, specifically stated in the MBCA Declaration of Restrictions, which are not in conflict with local, state, or Federal laws and regulations.

2. The MBCA does not have the authority to issue a cease-and-desist order and assume the resulting liability. Such a remedy by the Association, for violations of the MBCA Declaration of Restrictions, must involve the President of the Association and be coordinated by the President with the Association Attorney. If there is a suspected violation of Town of Ocean City codes, then notification on behalf of the Association to the appropriate city office should be made after coordination with the President. (Owners represent themselves and not the association and may report suspected violations to the City.)

3. A factor in the Committee review and approval of a City issued permit is whether it fits on the standard lot within the community. The standard lot in the community is an interior lot with owners on either side and to the rear with the front facing the street. In other words, an owner may “build to the lot according to zoning required setbacks” and what the property is next to it is not a factor in the Board’s decision. The Board
will not grant a set-back waiver of Town requirements for Mobile Home Residential Districts.

4. As required by the Declaration of Restrictions and the Resolution of 2013, each lot owner on the water shall be responsible for maintaining the lot’s bulkhead and docks in good repair. Each lot owner on the water must meet all Town of Ocean City 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.
SETBACKS

The Association will continue to maintain the standard, established by Ocean City, Maryland, Code of Ordinances, Part II – Code of Ordinances, Chapter 110-Zoning, Article IV – Districts, Division 7 – MH Mobile Home Residential District, Section 110-422(1)(i), that: There shall not be a distance less than ten feet between the sides of any two mobile homes or extensions thereof nor shall any part of the mobile home extend closer than five feet to the boundaries of the individual mobile home site or exceed 17 feet in height. This standard applies to placing of foundations, porches, elevated decks, etc., and will be followed regardless of lot size, shape, location, or what features are on contiguous lots. Examples below (shaded area is 5-foot-zone):

Also:

Chapter 110, section 905: Every part of a required yard shall be open and unobstructed to the sky, except for the specified projections and obstructions listed below, and except as otherwise provided in this chapter. “… completely open, unenclosed deck at the first floor level only, uncovered by a roof or canopy, located not less than five feet from any lot line in the MH, mobile home residential district.”

Also:

Chapter 30, Article VII, Section 554 (d)(1)a: Structures shall be located no closer to tidal waters or wetlands than ten feet. However,…in the Mobile Home zoning district the waterfront setback shall be no less than five feet. This waterfront setback shall be measured from the landward face of a bulkhead or rip-rap, the mean high water line, or the wetland line, whichever is more restrictive.
Community Bump-Out Standard

January 2, 2013

Owner

Property:  Xxxxx
Property Owner:  Xxxxx

Dear <the full privacy edited text is available on the website. The bold-italic text is highlighted for emphasis>:

On December 21, 2012, a Montego Bay Civic Association Executive Committee meeting was conducted by the President of the MBCA, Barbara Reniak.

The Executive Committee rejected your building plans because it included a 2-foot cantilevered side bump-out that was 12.5 feet long, which included a 5-foot wide fireplace. The agreement reached by all parties was that the plans would be modified showing a side bump-out for the fireplace only and resubmitted to the Town of Ocean City for permit approval, then the Association would approve the request to build.

A factor in the reaching the decision is that the community standard governs the approval process. The community standard for a cantilevered side bump-out is a bump-out for a fireplace. There may also be a cantilevered side bump-out for a bay or bow window, but the area under such a window bump-out will not be approved to extend down to the floor level of living space. Other than the described bump-out exceptions, the community standard is that the vertical plane of the foundation of the home is to remain unbroken. While there may be a few exceptions in the community, they are not sufficient to establish a new community standard and if those properties are ever modified or replaced they must meet the community standard. The image to the right shows the community standard bump-out for a side fireplace.

Sincerely,

Barbara H. Reniak
President
Community ‘Build to the Lot’ Standard

April 3, 2013

Owner

Property: Xxxxxx
Property Owner: Xxxxx

Dear <the full privacy edited text is available on the website. The bold-italic text is highlighted for emphasis>:

Your request to build an elevated deck at Xxxxxxxx extending 4.05 feet into the 5-foot setback required by the Town of Ocean City is rejected.

A factor in the Association reaching decisions is that each lot must abide by the setbacks required by the Town of Ocean City. *The standard lot in the community is an interior lot with owners on either side and to the rear with the front facing the street. This means that Association decisions are based on what would be allowed (by the Association and the Town of Ocean City) to be built on a standard lot in the community.* The Montego Bay community standard can be stricter than the City and, as such, the Association is abiding by the setback code requirements and is not bound by any variance the City may grant.

Establishing a precedent of allowing owners of the many properties that abut open property to build out to the abutting lot line or walkway would not be in keeping with the aesthetics of the community. Because there are ground level patios and landscaping materials that extend to a lot line already existing in the community, which have been issued a permit by the Ocean City Zoning Department and allowed by the Montego Bay Civic Association, the Board has no objection to a similar alternative to an elevated deck.

Sincerely,

Barbara H. Reniak
President
June 28, 2014

Dear Mr. and Mrs. [name removed]

It was brought to our attention that you have applied for a variance for your home at [address removed]. Generally, owners changing the exterior of their home contact the Association first to ensure that they will be in compliance with the standards of the community and any requirements beyond those required by the City.

Because hearings bear a financial cost to the homeowner, we are taking this opportunity to notify you in advance that your request to build into the 5-foot setback requirement of the Town of Ocean City Code will not be approved by the Association. An individual variance does not change the published Code and, therefore, the Association does not approve any variances. This policy and practice has been in place since October 2012 and further confirmed by the General Membership in the restrictions passed in 2014. Section 3a specifically states all homes must adhere to the Town of Ocean City published code for a Mobile Home Residential District. A copy of the Declaration of Restrictions is available at: http://www.montegobaycivicassoc.com/Bylaws_Declaration/2014_Signed_Declaration_of_Restrictions.pdf. You may also find of additional help the Directors Manual section on Architecture and Permit Review procedures at: http://www.montegobaycivicassoc.com/Governing_Documents/Directors_Manual/Architecture_Section_1-3-2014.pdf.

While your deck appears to be within the 5-foot setback, that is an indication that at some point in the past the Association granted such an exception (for an open deck and not for an enclosed structure). Your deck can remain as it is; however, changing the structure of the deck such as changing it to a structure not “open to the sky” would require following the required 5-foot-setback Code. In addition, should you reduce the size of your proposed sunroom to be in compliance with the Code, you will need to modify the underlying deck to also comply with the 5-foot setback. A factor in the Association reaching decisions is that each lot must abide by the setbacks required by the Town of Ocean City Code and are also based on what would be allowed to be built on any standard lot in the community.

Regardless of how you wish to proceed, please comply with Section 3b of the Declaration of Restrictions and the Directors Manual to obtain MBCA approval.

Sincerely,

[signature removed]
Barbara H. Reniak
President

cc: Town of Ocean City Zoning Administrator
MONTEGO BAY CONSTRUCTION REQUIREMENTS FOR OWNERS AND/OR THEIR CONSTRUCTION REPRESENTATIVE

ALL ANSWERS MUST BE “YES” AND ACKNOWLEDGMENTS INITIALED TO PROCEED
This form must be filed with the other information provided to the MBCA for approval.

- Has the lot survey, drawings of the external look of the construction project, and a copy of the Town of Ocean City building permit been submitted to the MBCA. (No construction can begin until after the MBCA approves the project.)

- Is the Lot Owner’s current contact telephone number and address up-to-date on the Town of Ocean City building permit? (Handwritten entries are acceptable.)

- During off-season the MBCA has reduced office hours, contact the MBCA representative via e-mail and notify them that a set of plans and permit for approval has been put into the MBCA mailbox. The 15-work-day decision period begins when the MBCA is in possession of the package.

The lot owner and/or their building representative understand that

(a) no materials or equipment can be staged or stored at the property until the Town of Ocean City has issued a building permit and the MBCA has approved the project. At least two MBCA signatures are required.

(b) no construction or company signs can be placed on a lot until after MBCA has approved the project. An Association representative will remove (without notice) such abandoned property and place it unsecured outside of the MBCA office between the swimming pool fencing and the storage shed.

(c) remove construction or company signs once the project is completed or once daily living activities are observed. An Association representative will remove (without notice) such abandoned property and place it unsecured outside of the MBCA office between the swimming pool fencing and the storage shed.

Permit Accepted: Permit Accepted decisions will be issued within 15 working days of receipt.

Permit Rejected: The lot owner and/or their representative will be notified by telephone, e-mail, or mailing address stating the issue to be resolved. An Owner may provide additional information to help resolve the issue. If the issue is not resolved, the Board will vote on the rejection letter that will be issued. Under these circumstances, the Permit Review process will take longer than the 15-working-day period.

A factor in the Committee review and approval is if the construction project fits on the standard lot within the community, without consideration of what abuts the lot. The standard lot in the community is an interior lot with owners on either side and to the rear with the front facing the street. In some cases the City may approve or waive their setback code requirements but the MBCA will not.

Fireplace side bump-outs: A cantilevered bump-out for a fireplace is limited to the length and width of the fireplace. Additional width will not be approved.

Bay window side bump-outs: A cantilevered bump-out for a bay window is limited to the length and width of the window. No bay window bump-out will be approved to extend down to the floor level. A window seat configuration is permissible but the bump-out will stop at the seat level; meaning, there will be no storage cabinet area under the window seat.
### Signs:

**Proposed and passed by the Board (February 9, 2013)**
- No signs for at-home-businesses are allowed on any lot unless specifically defined and approved in writing by the Board.

**Proposed and passed by the Board (June 9, 2012)**
- Once a lot has a signed listing agreement with an agent, a single “For Sale” or “For Rent” sign may be placed on each street side of the property. A single second “For Sale” or “For Rent” sign may be placed on the waterside of the property.
- Size of signs are not to exceed 2’ x 3’ and flags should not exceed 3’ x 5’.
- Properties “For Sale/Lease By Owner” shall adhere to the same guidelines for licensed agents.
- “For Sale” and/or “Sold” signs shall be removed on the day of settlement. “For Rent” signs shall be removed on the day of signing a lease.
- “Construction” signs may be placed on a lot once building equipment is on site or the foundation is under construction. The sign must be removed once a Certificate of Occupancy has been issued for new construction or the final inspection has been conducted for exterior or interior remodeling projects. If the sign is not removed in a timely manner, the sign may be removed by the Association without notice to the builder and stored outside near the Association office where the builder can retrieve them.

### Roof Pitch and Sheds:

- 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.
- The area above the maximum building height under a sloped roof not exceeding a 9/12 roof pitch (4/16/2016) 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:
- Roofs shall be consistent with the aesthetic 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 when a different roof design is used). The height of the peak of the roof ridge is approximately 9 feet above the sill plate of the roof.
- The ridge line height of a home must not exceed the height of a 9/12 pitch gable roof constructed in relationship to the shortest parallel sides of the unit. (Proposed and agreed by the Board May 14, 2016)

**Sheds**: The following accessory uses shall be permitted in the MH mobile home residential district subject to the provisions of article V, division 2: (2) On subdivided mobile home lots, an accessory storage structure within required side yard setbacks not to exceed 100 square feet provided a minimum five-foot setback is maintained from lot lines. (Sec. 110-425: Permitted accessory uses.)

### Fences

**Approved by the Board and provided to all owners by mail and published on the web:**
- Living fences, no higher than 30 inches, may extend past the front of the home.
- Non-living screens, trellises, and fence-like structures used for landscaping, privacy, safety, or sound reduction must not enclose any space or area and must be maintained in accordance with community standards for homes.
- No chain-link, or similar, material may be used.
- Fencing or railings installed parallel to the water for life-safety needs on waterfront lots are permissible. Such life-safety fences may enclose the space, within reason, to keep an individual from accessing neighboring unfenced bulkheads.
- Driveway ‘no parking’ swag chains are permissible as long as they are unobtrusive and are no higher than 30” above the edge of the driveway. Single-strand swag chain barriers may outline the perimeter of a lot and the owner assumes all associated liability.
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<tr>
<th>Architecture Feature</th>
<th>Montego Bay Civic Association, Inc. Community Standard</th>
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| **Dormer** (updated 8/6/2015) | - Shall not have a shed roof.  
- Shall have non-shed roofs no less than a 4/12 pitch and no more than 9/12 pitch.  
- The roof shall not be higher than the peak of the primary roof.  
- Shall have vertical sides.  
- Shall have at least one window. The size of at least one window (per dormer) shall meet egress and ingress life-safety standards.  
- The distance between dormers shall not be less than the width of the smallest dormer proposed per side of the roof. Shall not have any bump-out (such as a bay window) that breaks the vertical plane of the dormer.  
- The maximum width shall not be wider than half the width of the home or 50% of the length of the primary roof on that side of the home; whichever is shorter.  
- 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 50% of the length of the primary roof on that side of the home; whichever is shorter.  
*Proposed and agreed by the Board September 13, 2014*
| | |
| **Reverse Gable** | - Shall have a gable style roof no less than a 4/12 pitch and no more than 9/12 pitch.  
- The roof shall not be higher than the peak of the primary roof.  
- Shall be flush with the sidewall and interrupts the soffit/gutter line of the roof.  
- Shall not have vertical sides.  
- There shall not be more than one reverse gable per side of the roof.  
- Shall not have any bump-out that breaks the vertical plane of the sidewall. The maximum width shall not be wider than the width of the home or 50% of the length of the primary roof on that side of the home; whichever is shorter.  
- 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 50% of the length of the primary roof on that side of the home; whichever is shorter.  
*Proposed and agreed by the Board September 13, 2014*
| |
| **Building Height** (updated 6/29/2015) | - The 17-foot height of a home* in Montego Bay is measured from the “crown of the road (of the street abutting the property)” to the “roof sill plate” and established for the “street side corners of the home.”  
*Ocean City, Maryland, Code of Ordinances, Part II, Section 110-422(1)(i).  
*Reconfirmed and agreed by the Board September 13, 2014*
| |
| **Misc.** | - No garages  
- Reconfirmed and agreed by the Board April 16, 2016)
ENTRY PORCH AND AWNING STANDARD

Approved by the Board of Directors on December 13, 2014.

The side of a home that is the furthest from a lot line can have an entry covered porch. The porch cannot project out any closer than 5-feet to a lot line. The porch length along the side wall of the home can be the projection-width-plus-50%. Such a porch roof can be supported by support posts to a deck or to the ground. An entry porch cannot be fully enclosed. The entry roof style should be in keeping with the style of the home.

The side of a home that is 5-feet from a lot line can have an entry cover. The cover can only be attached to the side of the home and does not come into contact with a stair stoop or the ground. Such covers are typically referred to as an “awning” type cover. The cover cannot project more than 3-feet from the side wall of the home and cannot be longer than 4.5-feet. Such an awning-type covering can be used over any other entry door as if that side of the home was 5-feet from a lot line. Awning-type coverings over windows should be the width of the window using the typical attaching methods and cannot project more than 3-feet from the side of the home.