

BAY CITY PROPERTY OWNERS ASSOCIATION, INC.
REQUIREMENTS FOR APPROVAL
FOR
CONSTRUCTION IN BAY CITY

Adopted June 18, 1976 by the Board of Directors
Amended December 1, 1994 by the Board of Directors
Amended June 1, 1995 by the Board of Directors
Amended August 7, 2003 by the Board of Directors
Amended September 7, 2006 by the Board of Directors

1. When Required (G-5) No residence, dwelling, garage, or other structure appurtenant to the residence, shall be erected or built upon any lot in Bay City, nor shall any addition to or change or alteration therein be made until the plans and specifications for such structure or alteration, and the location thereof are SUBMITTED TO AND APPROVED IN WRITING BY THE CORPORATION, or its successors on the ownership of development of the community, or its duly authorized agents, or by the association to be formed as hereinbefore recited, after said association is duly licensed to do by the Corporation WRITTEN PERMISSION MUST BE OBTAINED FROM SAID CORPORATION, OR ITS SUCCESSORS IN THE OWNERSHIP OR DEVELOPMENT OF THE COMMUNITY OR IN THE ADMINISTRATION OF THESE RESTRICTIONS TO CONSTRUCT OR MAINTAIN FENCES, WALLS, HEDGES, BUILDINGS, BULKHEADS, AND OUTBUILDINGS.

No construction is to be started before approval of plans. Please allow a minimum of ten (10) days for action to be taken by the Association.

2. Who May Submit: Plans and specifications must be submitted by the person(s) holding title to the property as shown by the Land Records of Queen Anne's County or by a contract purchaser who files with the Association, a bona fide contract for the purchase of the property, subject to no contingencies except payment of the purchase price and merchant ability of title.

3. Fee Requirements: The following NO-REFUNDABLE Application fees shall be assessed for review of plans. These fees apply to original home structures and to subsequent or accessory construction as provided herein:

New Construction	\$250.00
Additions	\$150.00
Appurtenant Private Structures	\$100.00
Porches, Decks, Patios	\$75.00
Fences	\$50.00
Variance:	Twice the Permit Fee

Any other architectural changes that may require a permit do not require a fee.
(Adopted June 18, 1976) (Amended July 15, 1987) (Amended June 1, 1995) (Amended August 7, 2003)

4. What Must Be Submitted

The following must be submitted to the Association:

- a. A written application on a form approved by the Association, containing the conditions of approval.
- b. All maintenance fees for the lots involved in the proposed construction through the current fiscal year.
- c. One (1) complete set of plans and -specifications in the form required by paragraph 5 hereof
- d. One (1) plot plan of ground plat showing location of the construction proposed for the property; the distance from the side, front and rear boundaries; and the location and distance from the residence of any well, septic tank and drain field.

5. Form of Plans Submittal: Plans and specifications must be drawn to a scale of 1/8" = 1'-0" or larger, in a clearly understandable and professional manner. Drawings must show the outside elevation of the proposed construction as they will appear when work is completed including:

- a. The front elevation, rear elevation, left and right elevations, and the direction in which they face, indicating which elevation of the house faces the road or water, if the residence is so located.
- b. Details of the exterior, such as windows, doors, shutters, window boxes, porches, carports, chimneys and the like, and their placement on the completed structure.
- c. Type of construction (such as brick, frame, clapboard, asbestos shingle, etc.) and the type of roof; windows, doors, chimneys, foundation, etc.

6. Plans, Site plans, etc., may be submitted on paper up to legal size, to be scanned and archived at no additional cost. All larger sheets must be submitted in approved electronic format (PDF, DWG v.14 only, or DXF). Sheets larger than legal size will be scanned and recorded electronically at an additional cost of \$7.00/page, plus a \$20.00 fee.

7. ARCHITECTURAL REQUIREMENTS

A. **Size of Structure** Any residence must have a length, measured along the front building line of at least thirty-two (32) feet and at least one thousand, five hundred (1,500) square feet of actual living space. (Amended November 6, 1994) "Actual Living Space" means the gross floor area of all finished and useable floor and portions thereof; other than floors of a basement, cellar, porch, breezeway, patio, attached garage, carport, or the like.

B. **Setbacks:** Buildings shall be set back from front, side and rear lot lines as follows: (G2,G3,G4,G7,G13)
(NOTE: IN ANY CASE WHERE QUEEN ANNE COUNTY SETBACKS DIFFER FROM THOSE OF THE BAY CITY COVENANTS, THE GREATER OF THE TWO SETBACKS MUST BE APPLIED):

- a. **Front:** the greater of the distance required by the Queen Anne's County Zoning Ordinance, currently 75 feet from the center line of the abutting road, or 35 feet from the front lot line.
- b. **Side and Rear:** the greater of the distance required by the Zoning Ordinance, or 15 feet.
- c. **Beach Reservation Lots:** any building on a lot which is bounded by the Beach Reservation shall be set back at least 75 feet from the boundary (facing the Chesapeake Bay or Broad Creek).

C. **External Appearance.** The type, construction, external appearance and location of dwellings shall be so varied as to both avoid the general appearance of a "Levitown" and blend in with the general character of other dwellings in Bay City. Therefore, no residence, dwelling house, garage, or other structure appurtenant to the residence (hereinafter collectively referred to as the "residence") shall be substantially similar in exterior design or appearance to any other residence (then constructed and/or then under construction and approved by the Association) located on a lot which is within 750 feet of the lot or lots on which a proposed residence is then being submitted for consideration in accordance with these Requirements. In determining whether or not a residence is "substantially similar" to another residence, the following factors shall be considered: (a) exterior materials used, the exterior colors used, (c) the relative location of the exterior windows and doors (d) the locations of the exterior porches, carports, and other appurtenances to the residence, and (e) the shape of the roof line.

D. **Driveway Pipe** Whenever, in the opinion of the Association, a driveway pipe is required for the drainage of water, a pipe of suitable size and type shall be installed before any construction may begin. (Adopted March 10, 1982)

E. **Fences.**

1. The maximum height of any hedgerow shall be no more than four (4) feet. (Adopted June 17, 1987)
2. **Construction.**
 - a. New and existing picket fences less than 4 ft. in height will be permitted so long as space between the pickets is not less than the thickness of the pickets.
 - b. Shadow boxes less than 4 ft. in height will be permitted so long as the spacing between the boards is greater than the thickness of the supporting member and not less than the width of the fence boards.
 - c. Only fences of a permanent nature will be permitted. For example, chicken wire on temporary metal posts will not be permitted as a fence, and is not to remain in place year round.

- d. Existing fences without variances that do not meet these criteria should be removed or modified immediately.
- 3. Location.
 - a. No fences in front yards, except for the properties bordering Route 8.
 - b. Existing fences without variances that do not meet these criteria should be removed immediately.
- 4. Height.
 - a. In no case will fences taller than five (5) feet be permitted.
 - b. Fences other than on properties that border the Beach Reservations will have a maximum height of five (5) feet, so long as the fence meets the existing rule for openness; fence must be more open than closed. Shadow boxes, as per 2.b, over four (4) feet in height will not be permitted.
 - c. The restrictions on fences for properties that border the Beach Reservation will remain:
 - i. Maximum height not more than 4 ft.
 - ii. Must be more open than closed.
 - d. Existing fences without variances that do not meet these criteria should be removed or modified immediately.
- 5. Any fence constructed under a BCPOA-issued building permit will be grandfathered under the Requirements in place at the time the permit was issued. Revocation or modification of this Rule requires approval by at 66 percent of the BCPOA members in good standing. (Adopted October 17, 2006)
- 6. For properties that adjoin the Beach Reservations or are waterfront properties, fences are permitted in the side and front (waterside) yard. Fences are not permitted in the rear (Street-side) yard of these properties. (Adopted October 17, 2006)
- 7. Limited-time fence permissions may be granted to the property owner under special circumstances (Adopted Oct 17, 2006):
 - a. The permission will expire at transfer of deed or ten (10) years after approval. At the end of this time period, property owners may apply for permission for renewal. New owners may apply to assume the original permission for the time remaining on the original permission.
 - b. Applications for limited-time fence permissions must include the rationale for the special exception to existing fence restrictions, in addition to all other elements of fence permit applications.
 - c. Notice of a request for a limited-time permission will be given to immediate neighbors with a 30-day right to appeal .

F. No trees shall be cut, and no excavations shall be made on the premises, except for the purpose of buildings thereon, and at the time when building operations are commenced, and no earth or sand shall be removed from said premises except as part of such excavations. (Bay City Covenants, G-6)

- 1. Pruning and Removal of Dead Limbs or Dead Trees: Proper maintenance pruning and removal of dead limbs and trees supports the health of our trees and therefore supports the intention of our Covenant that Bay City be a "Wooded Community". Therefore, Owners may do prudent maintenance pruning and remove dead limbs or trees from their property.
- 2. Defining "Trees" vs. "Bushes" in Reference to the Covenants: "TREE" DEFINED. For the purposes of enforcing Bay City covenants and construction rules, a "Tree" is defined as having a diameter six (6) inches or greater and measuring four (4) foot, six (6) inches above the ground. Any vegetation not satisfying that threshold size is not considered a tree."
- 3. Establishing a "Limit of Disturbance" (LOD) or "Maintenance Clearing Limit" (MCL): "*Limits of Disturbance*" defined; application. For the purposes of enforcing Bay City covenants and construction rules, "Limits of Disturbance" ("LOD") is defined as the distance around a proposed or existing structure that may be cleared or kept cleared of trees, either to construct or to maintain buildings. For all properties, LOD is 15 feet from the front and rear walls of the structure and 10 feet from the side walls of the structure. Roots may be cut back to prevent damage to driveways. Trees may be reasonably trimmed back from overhead utility lines, so long as the method of trimming is not intended to threaten the life of a tree included in the 40 percent canopy coverage defined herein. If the death of canopy coverage tree results, replacement of that tree shall be made in the manner described herein."
- 4. Establishing and Securing a Percentage Canopy Coverage Consistent with the Intent of the Covenants: "SUMMER CANOPY COVERAGE": An Owner may remove excess trees from his property,

with a tree permit, so long as the remaining trees meet the standards for a "Wooded Community" as follows:

- a. A "Wooded Lot" is defined as one where 40% of the gross area of the lot is covered by the canopy of any number of trees over 6" in diameter. (This may be as few as 1 tree or as many as are needed to provide the 40% canopy coverage. On a typical 75' x 200' Bay City lot, this is usually between 4-8 mature trees.)
- b. Prior to cutting, the Owner will identify and record the size, location and species of the canopy trees to remain. All other trees may be removed.
- c. If remaining canopy coverage trees dies, then it is to be replaced for ten years in one of the following ways:
 - i. A replacement tree is planted that is likely to have the same or larger canopy coverage at maturity as the one that died; or
 - ii. A number of smaller trees whose mature canopies are likely to equal the canopy of the tree to be removed are planted in lieu of a single replacement tree.

5. Changing Tree Species and/or Stand Replacement:

- a. An Owner may remove a tree that is part of maintained canopy coverage in order to change species if one of the following conditions is met:
 - i. The replacement tree is one that is likely to have the same or larger canopy coverage at maturity; or
 - ii. A number of smaller trees whose mature canopies equal the tree to be removed are planted in lieu of a single replacement tree.

G. No trailer, basement, tent shack, garage, barn, or other outbuildings erected within the community shall at any time be used as a residence either temporarily or permanently, nor shall an residence of a temporary character be permitted.

H. Free and open spaces shall be left on both sides and to the front and to the rear of every building structure dwelling or part thereof erected on said lot which free and open spaces shall extend the full length of all lots and shall be not less than fifteen (15) feet in width from the dividing lines from the front and from the rear of said lots.

7. Basis of Approval. No consideration will be given to any application until all of these Requirements have been met and the person(s) referred to in Paragraph 2 have signed a written application in a form prescribed by the Association and agreed to all conditions contained therein

8. Financial Commitment Before final approval is given, the Association must be in receipt of a letter of first mortgage commitment from a lending institution (Adopted April 19,1981).

9. Variance. Where by reason of the exceptional narrowness, shallowness or unusual shape of a specific lot, or by reason of exceptional topographic conditions or other extraordinary situation or special condition, the literal enforcement of these Requirements would make it exceptionally difficult to construct a dwelling or residence on any lot and would cause unwarranted hardship and injustice to the owner of the lot, the Association may authorize such variance from the terms of these Requirements as will be contrary to the interests of the residents of Bay City and will relieve such hardship. No variance will be authorized unless the Association finds beyond reasonable doubt that (a) there are exceptional or extraordinary circumstances or special conditions applying to the lot or proposed structure in questions that do not generally apply to other lots or structures in Bay City; (b) such variance is necessary for the preservation and enjoyment of substantial property rights posse- by lot owners in Bay City and particularly in the vicinity of the lot(s) involved in the variance; (c) the authorization of such variance will not be of substantial detriment to adjacent lots in Bay City and will not be contrary to the purpose of these requirements or the interest of lot owners in Bay City. In authorizing a variance, the Association shall attach such conditions regarding the character, location and other features of the proposed structure as it may deem necessary in the interest of the furtherance of the purposes of these Requirements and in the interest of the lot owners in Bay City. No variance authorized by the Association shall quality any adjacent property for special treatment or for a variance.

Variances, subject to the included conditions, are changes to the legal requirements that property owners acquire when buying property in Bay City. Should, on the advice of council, BCPOA decide to require that any or all variances past,

present or future be recorded, the Owner agrees to immediately pay the actual costs of recordation. Permit will be issued after the applicant has returned recorded variance.

10. Completion. The exterior of any building or structure approved by the Association must be completed within six (6) months from the date of approval.

11. Restrictions. Consideration will be given to applications and plans on the basis of both these Requirements and the covenants, restrictions, reservations, dedications, conditions, agreements and understandings applicable to all lots in Bay City by virtue of a Deed and Agreement dated May 29, 1952, and recorded in Liber T.S.P. 5, folio 122, of the Land Records of Queen Anne's County. Approval will not be given to any applications or plans which are not in conformity with both these Requirements and the provisions of the Deed and Agreement.

Licensed Contractors

New home construction by licensed contractors are restricted to the following:

- a. Work may be performed from 7:00 am to 6:00 pm Monday through Saturday only.
- b. ABSOLUTELY NO WORK WILL BE PERMITTED ON SUNDAYS.
- c. All job sites must have a dumpster or screened area for construction debris during the time of construction.
- d. The builder will keep the site clear of debris on a daily basis and maintain site in as clean and safe a manner as possible.
- e. All job sites will have chemical toilets which can be shared by adjacent job sites, but not by more than ten (10) people.
- f. Licensed plumbers may work on Sunday during the hours of 7:00 am and 6:00 pm but are restricted to sewer hook-up or emergency procedures.

B. Property Owners

Homeowners performing their own construction are limited to the restrictions outlined under Licensed Contractors with the exception of work hours: Work is to be performed Monday through Sunday during the hours of 7:00 am to 6:00 pm.

12. Amendment or Repeal: The Association reserves the right to amend, supplement, repeal, or otherwise change these Restrictions at any time, without notice to any person, and for any reason.