

Architectural Review Committee

Ocean Drive Architectural Code

Ocean Drive

AESTHETIC INFLUENCE

Ocean Drive homes represent the pinnacle of design at Old Fort Bay. There are no specific aesthetic influence requirements. Homes are to be built of the highest quality and design standards.

BUILDING SETBACKS

Ocean Lots

Beach development and any related restrictions thereof will be guided by the OLSEN Associates, Inc. report dated September 6, 2022, written by Kevin R. Bodge. The report is available upon demand, contact the office.

No variances to setbacks established in the report will be granted from February 1, 2023. There is a strict 40 ft no build zone as defined in the report, please note the line "Established Dune Line Crest" when considering beach facing or beach adjacent construction and landscape design on your property.

Generally with the exception of approved fences or walls, no building, including porches or projections of any kind, or other structure shall be built or erected or extend beyond a line, (i) Thirty Five (35) ft. from the high watermark of the sea, or, if the same shall be over Fifteen (15) ft. in height above ground level Seventy-Five (75) ft. from such high watermark (ii) Thirty-Five (35) ft. from the front property Boundary Line and Twenty (20) feet from the side boundary lines about any property which adjoins the sea.

All construction on the Coastline, or on or near the Beach Sand Dunes, or Beach Ridge will require a site inspection by HARC and a Beach Preservation/Restoration Report, prior to approval of plans.

Canal Lots

Generally with the exception of approved fences or walls, no building, including porches or projections of any kind, or other structure as aforesaid, shall be built or erected or extend beyond a line (i) Thirty-Five (35) ft. from the front property Boundary Line and Thirty-five (35) ft. from the back Boundary Line (being the Boundary Line opposite the front property Boundary Line) and Twenty (20) feet from the side boundary lines of any property which does not adjoin the sea.

As there is a road reservation and property boundary is not the as built roadway, please check your survey plan to ascertain the exact position from where the setback should be established.

BUILDINGS: MAIN NORTH LOT - MAIN HOUSE, COTTAGE, COTTAGE/GARAGE COMBINATION, PAVILION

Main House, Cottage, Garage, Cottage/Garage Combination, Pavilion must be built designed and built respecting all Setbacks, unless a formal waiver has been granted by the POA.

Main House can be built a maximum of 2 stories high with a habitable attic.

Garage and/or Cottages cannot exceed height of main structure. Garage entrances may NOT face Ocean drive.

All parking structures must have side entry access.

Cottages built on the canal side shall be one story high maximum.

All parking structures must have side entry access. Garage doors are not to face the street,

Maximum height of building (s) from existing grade will be reviewed on a case-by-case basis. Any Grade Elevations must be delineated on plans submitted for approval.

Sufficient parking inside the property at a rate of 1 parking space per bedroom is required.

Parking is not permitted on the verges.

DRIVEWAY

Driveway entrance must be a maximum of 12 ft. wide. Only one driveway is permitted. If a property is bounded by roads on two sides, driveways should intersect the road reservation at a point along the property boundary with the longest linear footage. Corner lots and lots with exceptional circumstances will be reviewed on a case-by-case basis. Driveway portion of the verge must be professionally finished with a solid surface. Gravel is not permitted on the verge portion (see Verges Policy).

YARDS

A yard is a landscaped area free of structures (see Landscape Guidelines for further information). Owners are responsible for landscaping and maintenance of their own property and front and side yard verges from the outside of their Property Line to the asphalt road.

GARDEN WALLS

Walls must be a minimum of 3 ft. high and a maximum of 6 ft. high. Engaged pilons/piers can be a maximum of 8 ft. See rules and regulations governing building of walls on any canal-facing property lines. Chain link fencing is not permitted.

Maximum vehicular opening is 12 ft.

Pedestrian Gates should be 3 ft. wide.

Street facing walls must be a maximum of 7 ft high. However, front of property street facing walls are no longer encouraged as they de-beautify the streetscape, detract from the architectural and landscaping symmetry, create water dispersion issues, narrow lines of sight, and take away from an holistic, integrated community feel. In all cases, chain link fencing is not permitted.

Garbage corrals are required, and all garbage storage bins must be hidden except for collection day.

BULKHEADS

Bulkheads/Seawall are no longer encouraged in OFB and are approved on a case-by-case basis. All bulkheads must be clad with stone.

DEFINITIONS

House: Main residence for single family household.

Cottage: Small ancillary structure used for guest / staff dwelling.

Pavilion: Light ornamental structure i.e., gazebo.

Parking Structure: Structure used to house vehicles i.e., carport, garage.

Driveway: A road leading up to private residential house or parking structure.

Please see Architectural Review Committee Rules and Regulations for further details on review process requirements, submissions, construction of bulkheads, docks etc.

Please visit oldfortbyapoa.com for landscaping standards.

AUTHORITY FOR POA TO GOVERN

Please be advised, the following regulations have been constructed in keeping with the stipulations set forth in the Owners Covenants which states:

“No building, fence, sea, or other walls, dock, or structure, including swimming pool and pool house, shall be erected placed or altered on the Property until the proposed plans, elevation, specifications, exterior color scheme and finish plot plan (showing the proposed location of such building, wall, fence, dock or other structure driveways, parking areas and landscaping) and construction schedule shall have been approved in writing by the Vendor and the appointed architectural advisor or committee for the time being of the Association. Every such building fence wall, dock structure driveways parking areas color scheme and landscaping (to

include layout of open grounds and items of trees, bushes, shrubs, plants, or other flora and fauna to be used) shall be of such size, height, character and description and built, erected or laid out according to such plans, designs, specifications and elevations as shall be in accordance with architectural guidelines laid down by the Vendor and the Association from time to time and which shall be have been approved in writing by the Vendor and the Association before the same are commenced , and no such building fence, wall dock structure, driveways, parking areas, color schemes, or landscaping shall thereafter be altered in external appearance without the like previous approval in writing.

The Architectural Review and Approval Process must be undertaken by owners/developers who wish to build and or erect any structure including but limited to a building, wall, fence, dock, driveway, landscaping, parking area or carport on property located within Old Fort Bay property boundaries, including all subdivisions in Old Fort Bay such as Beach Front.

Property Owners who plan to erect any structure are encouraged to research and review applicable architectural code/s and their own conveyance documents to ensure their plans are in compliance with all rules, regulations, stipulations and restrictive covenants as applicable.

REVIEW PROCESS REQUIREMENTS

FEES

The Property Owner must be up to date with payment of all fees, including Homeowner Assessment Fees and Construction Fees levied by the POA.

ADDITIONAL FEES

Should the owner request a special review of preliminary plans or concepts, a fee will be determined and be submitted to the homeowner for payment prior to the review taking place.

During the architectural review process, requests may be made by the Review Committee to have alterations, and or changes made to the structure, layout of the building, finishes, etc. Any costs associated with the non-compliance of the homeowner and/or his designated representative which results in additional efforts being made on behalf of the Review Committee to ensure the homeowner is in compliance with the request for alterations, clarifications etc. will be levied against the homeowner. This charge must be paid in full prior to the approval of the plans.

SUBMISSIONS

See OFB General, Architectural, Landscaping, Construction and any related codes as posted on the POA website.

Please note requests for variances to the code shall be granted on the basis of civic architectural merit.

CONSTRUCTION AND NEIGHBOURING LOTS AND OR EXISTING RESIDENTIAL PROPERTIES

Where homes are to be constructed next to an existing property, the Review Committee reserves the right to seek the neighbor's opinion.

All house plans will be reviewed as to the impact on immediately adjacent properties, as well as the broader community. The approval committee encourages all applicants to design a home that is considerate of its adjacent neighbors with respect to privacy and storm water runoff. Grade transitions should be gradual and not create undue runoff and ponding on neighbor's lot.

CONSTRUCTION ON BEACH FRONT OR DUNE

The Beachfront and Dunes shall be preserved wherever practicable. Sand Dunes must not be removed, excavated, or leveled for any purpose.

Beach development will be guided by the OLSEN Associates, Inc. report as noted above.

No variances shall be granted for beach development that contravenes the Setbacks. There is a strict 40 ft no build zone as defined in the report, please note the line "Established Dune Line Crest".

Beach Preservation & Restoration plans are required.

Dune crossovers and associated paths should be professionally designed using natural materials (i.e., wooden walkways) and erected in a manner that will not negatively impact the integrity of the Dune.

Boundary walls etc. should be constructed using finish material whose aesthetic properties blend in with the surrounding area (i.e., Natural Stone)

Owners are encouraged to install and/or preserve natural, noninvasive Dune vegetation. Should the owner require the removal of any vegetation growing on the Dune, a request must be stipulated in writing to the Review Committee prior to any removal taking place. Should the owner wish to place alternate vegetation on the Dune, this must be stipulated in writing by way of a landscape plan.

OTHER IMPORTANT INFORMATION - GENERAL

For guidelines on aesthetic influences, preferred finishes and information pertaining to Setbacks and buildable areas please refer to the community architectural codes.

Vertical proportions in building and fenestration are required. Proportional ratios are to be documented in house architectural drawings and submitted to the Architectural Review Committee for review.

All 2-Story main buildings must have a minimum footprint of 1800 square ft. under air.

All 1-Story main buildings must have a minimum footprint of 3000 square ft. under air.

Garden Walls can be built along property lines according to code specifications.

Walls designed to be constructed on the canal side will be approved on a case-by-case basis. Walls to be built along the canal front must be delineated in plans submitted. Information must include a cross-section showing relationship to water, distance between wall and the top edge of land overlooking canal, detailed elevation and description of finish material.

Chimney and Bay windows must be delineated on plans and may encroach up to 3 ft. into the prescribed Setback.

If a property is bounded by roads on two sides, driveways should intersect the road reservation at a point along the property boundary with the longest linear footage. Corner lots and lots with exceptional circumstances will be reviewed on a case-by-case basis.

HEIGHT OF BUILDING/STRUCTURE

The maximum height of any building or structure built from the existing grade will be reviewed on a case-by-case basis. Any proposed elevation from the existing grade must be delineated on the plans. Existing and proposed finished grade heights must be described within the submitted plans. Approval to increase the height of the existing grade will be given on a case-by-case basis.

Major grade transitions from adjoining properties will be reviewed on a case-by-case basis and are not encouraged.

Heights of pavilions, cottages and their relationship to the main house is described in the architectural code.

CONSTRUCTION OF BULKHEADS AND DOCKS

Bulkheads are generally NOT allowed in Old Fort Bay. Any lot with a beach and/or an area of land provided specifically for the installation of a beach along the canal will NOT be eligible to build a bulkhead.

Owners of lots that DO NOT have a beach and/or an area of land provided specifically for the installation of a beach along the canal may inquire with the Review Committee to ascertain their eligibility.

Any eligible owner who applies will be required to abide by the following rules and requirements.

- Structural drawings drawn by a Licensed Engineer indicating all pertinent information to ensure the said bulkhead can adequately withstand pressure from internal external forces, i.e., earth and sea.

- The drawing submitted should also indicate final finishes i.e., natural stone façade etc.
- Concrete Bulkheads where applicable will only be allowed if a façade of natural stone or other aesthetically acceptable material will be applied over the raw concrete
- Property Owners will not be permitted to begin construction on the concrete bulkhead unless they can provide proof that they have or will have the façade/finish material available at the time construction of the bulkhead commences.
- Where possible docks should be built in concert with the bulkheads.
- Property owners must apply to the Architectural Review Committee for approval of construction docks and boat lifts.

DOCKS

Docks can extend 10 ft. from the Property Boundary (i.e., High-Water Mark on the canal front) out over the canal. Setbacks from adjoining properties is 20 ft.

Height of the dock from the High-Water Mark of the canal must be delineated in the submitted plans. Approvals will be granted on a case-by-case basis.

Access from Dock to land must be delineated in the plan. Information provided must include detailed description of the structure including finishes and a cross-section showing the relationship from land to dock. Approvals will be given on a case-by-case basis.

Docks must be wooden, in keeping with the aesthetic properties of the canal and shoreline.

Docks must adhere to the same side Setbacks as the Architectural Code states for the buildable area.

RECREATIONAL LIGHTING

Property Owners are not permitted to install recreational lighting such as tennis court lighting on their property.

Please review the lighting document on the POA website.

LIQUIDATED DAMAGES, FINES & RECTIFICATION

The POA may charge a fee for liquidated damages for failure to obtain approval of plans prior to construction. In addition, rectification costs to return built areas to align with approved plans or the original condition shall be at the property owners expense. Lastly, fines may be imposed on construction contractors that have contravened approvals or constructed without approval of the HARC.

Unauthorized construction will be stopped, and construction personnel will be denied access to Old Fort Bay.

PROCESS EVENTS AND SCHEDULE

Applicants must provide ALL necessary items stipulated in this review process document. Any incomplete submissions will not be considered for the review process.

Submissions should be delivered to the office of the Property Owners Association made to the attention of the POA Manager, poamanager@oldfortbay.com.

Approvals will be issued in writing by way of email and/or via hard copy of letter sent by the POA Manager.

REVIEW PROCESS REQUEST FOR ALTERATIONS TO INITIAL PLANS

Owners/Developers/Architects may be required to submit proof of alterations/clarifications prior to approvals being issued. Proof of such should be submitted as soon as possible after receipt of the request. The Review Committee will make every effort to review the final plans inclusive of said changes and/or clarification in an expeditious manner.

CONSTRUCTION RULES AND REGULATIONS

Refer to the POA website for all relevant Construction, Approval, Process, Submission, and Conduct policies.