



CAPE ROYALE

Construction Information Manual (CIM)

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1 Introduction

- 1.1 This Construction Information Manual (CIM) represents the information needed to ensure that modifications or improvements to the exterior of individual properties within the Cape Royale Subdivision (Cape Royale or the Cape) are reviewed against requirements developed by the community prior to the initiation of any construction activity. At the discretion of ACC, the contractor may be required to post the CIM at the jobsite.
- 1.2 The intent of these requirements is to ensure compliance with the Deed Restrictions in order to protect the integrity of the Sections (e.g. Pine Harbor, Imperial Estates, etc.) of Cape Royale. It is not the intent to control what you, the Property Owner, wish to do with your property. This information and the Deed Restrictions covering each Section within Cape Royale shall govern all improvements made to the exterior of individual properties in the Cape.
- 1.3 As stated in the Deed Restriction, an Architectural Control Committee (ACC) shall be appointed by the Cape Royale Property Owners' Association (POA) Board of Directors (BOD). Some excerpts from the Deed Restrictions regarding the ACC function and responsibility are:
 - “Whose purpose it shall be to review plans, to ensure for all owners harmony of location and harmony of external and structure design and quality with existing structures”
 - “No improvement shall be placed on any lot until the building plans, specifications and plot plans showing the location of such improvements on the lot have been approved in writing by the ACC”
 - The ACC shall take into consideration “the affect of adjacent neighboring properties.”
 - “The judgment of the Committee in this respect, in the exercise of its sole and absolute discretion, shall be final.”
- 1.4 The ACC consists of property owners nominated by the POA Board of Directors and includes at least one representative of The Reserves. The Reserves ACC member(s) are elected by The Reserves Council). A member of the POA BOD is also assigned to liaise with the ACC.
- 1.5 The ACC is charged with ensuring that plans for construction activities are reviewed against the requirements Permits are issued prior to construction and the agreed upon requirements are maintained throughout the Construction.
- 1.6 The ACC works closely with the Community Manager, who is located in the POA office and handles the day-to-day administrative matters associated with the issuance of permits, issuance of orders to cease construction (“Red Tag”) and collection of fees.



- 1.7 It is the responsibility of the property owner to ensure that all applications for construction are submitted to the ACC in a timely manner and with all required information.
- 1.8 The approval of Plan Review Applications will be based on the written and implied provisions of the Deed Restrictions covering each section of Cape Royale. It is the intent of the ACC to not only aid the homeowner in developing a residence complying with the restrictions; but also to promote the development of Cape Royale to its fullest potential.
- 1.9 Deed Restrictions for each Section and the CIM can be found online at the Cape Royale website (<http://www.caperoyale.org/>), and hard copies are maintained in the POA office.
- 1.10 A schedule of fees has been established for the various types of projects to cover the costs associated with administration and maintenance and repair of the roadways in Cape Royale.
- 1.11 If construction is performed without ACC approval, the property owner will be notified to stop construction and to complete the ACC worksheets defining the work performed and pay the required fees identified in the CIM. Construction that has been completed without ACC approval will also require a submittal to ACC for approval.
- 1.12 The Reserves and Reserves II Sections have independent ACC's. All plans and projects for these two Sections must be approved by their respective ACC's before the CRPOA ACC will accept them for final review and approval.
- 1.13 It should be noted that the ACC is not responsible for, nor does it control the quality of the construction of any residence. This is the responsibility of the property owner and the contractor.

2. Definition of Construction Projects

There are three (3) classes of Construction Projects, each of which have different permit requirements. These are:

- Major (Large) Construction Projects
- Small Construction Projects
- Repairs and Maintenance Projects

2.1 Major (Large) Construction Projects include:

- New Home Construction (Which includes the landscaping)
- New Additions (Attached or unattached)
- Bulkheads, Boathouses, Piers, and Docks (Structures built on the water)
- Major Landscaping (Which includes entry way and drainage systems)
- Swimming Pools
- Garages

2.2 Small Construction Projects typically constitute new exterior construction, or projects not done with new home construction. The following are examples of Small Construction Projects

- Painting
- Siding
- Fences
- Decks, Patios, and Gazebos (Including covers/roofs)



- Landscaping that requires trucks larger than a pickup
 - Small Storage Buildings (Less than 50 square feet in footprint)
 - Hot Tubs and/or Spas
 - Carports
 - Driveway Culverts
 - Driveways
 - Walkways
 - Bulkhead Caps
 - Flag Poles
 - Solar Panels
- 2.3 Repairs and Maintenance Projects - A permit application must be submitted for all outside repairs and maintenance of existing structures including: repainting, residing, reroofing, wood replacement, etc. A short Maintenance/Repair Permit Application (Form No. 7) must be submitted to the Community Manager prior to the start of the project. This short application will be utilized at the discretion of ACC for maintenance and repair projects so that a quick approval can be obtained by our property owners. After the property owner submits a properly submitted simplified Form 7 it will be processed within two business days and often when the form is submitted. "Out of Committee" Approval will be granted by the Community Manager based on an agreed process with the ACC committee. Any approvals will be entered by the Community Manager on the Project List and e-mailed to the ACC committee members and the front gate personnel for entry control. This process therefore allows rapid efficient handling of the project approval with the information then transmitted to appropriate parties.

3.0 Permit Application Process

- 3.1 The property owner is responsible for ensuring that all permit applications are properly, and completely, prepared and submitted in a timely manner. Many contractors have experience in preparing applications, and the Community Manager is also a resource. However, the property owner is responsible for ensuring the overall conformance to the requirements agreed upon by the ultimate acceptance of a permit.
- 3.2 The Property Owner must check the Deed Restrictions for their respective Section for specific requirements that may affect the proposed project.
- 3.3 The property owner is responsible for initiating the process by filing the appropriate documents, paying the required fees and requesting any returnable fees.
- 3.4 The Plan Review Application Form (Section 11 – Form No. 2) and other filing information (the Plan) can be obtained from the CRPOA website or the Community Manager. After completion, the Form(s) should be given to:
- Community Manager
Cape Royale Property Owners' Association, Inc.
6 Sales Drive
Coldspring, Texas 77331
936/653-3233
- 3.5 The Community Manager reviews the document. When it is complete, he/she sends an



agenda e-mail to ACC members five days before the next scheduled meeting. This document lists the address and nature of submitted plans, submission date and section name. Any major projects are highlighted so that a site visit can be completed before the ACC meeting with special attention given during the site inspection to topography. Incomplete applications are returned to the property owner for resubmission.

- 3.6 The ACC meets twice per month. At the next scheduled meeting, the ACC reviews the Plan in detail. Property owners are encouraged to attend the meeting(s).
- 3.7 The ACC must approve or disapprove the building plans, specifications and plot plans showing the location of such improvements on the lot within 30 days after all the information has been received by the ACC. Packages that have been returned to the property owner due to insufficient information, the 30 day period will begin after it is resubmitted. Otherwise, the same will be deemed to be approved. Approval by the ACC shall be granted or withheld based upon conformity of the project to both the general and specific intent of the Deed Restrictions, adequacy of site dimensions, conformity and harmony of external design and location with neighboring structures and sites and relation of finished grades and elevations to neighboring sites and such other relevant considerations. The ACC may exercise its sole discretion to determine as such stated, the property owner's payment of all fees due the ACC and the POA, acquisition of all necessary permits, and satisfaction of all other requirements for its application.
- 3.8 A project rejection notice shall set forth the elements for the rejection and the reason or reasons therefore, but need not contain suggestions as to methods of curing any matters that have been disapproved. The notice of disapproval is effective upon the ACC's decision by either: (a) delivering a copy personally to the property owner or (b) mailing of a copy of notification by registered or certified mail to the property owner at the address shown on the application.
- 3.9 No further action is taken on deficient projects until the Plan Review Application is updated with the requested information. Additionally, if the property owner decides to make changes to the original plans, a new Plan Review Application indicating the change(s) shall be filed with the Community Manager for further review by the ACC.
- 3.10 All approved plans are signed and stamped by the ACC. Any plans determined to be lacking adequate information are so noted. No verbal approvals will be given.
- 3.11 Any approved variances from CIM requirements will be noted by the ACC on the plan.
- 3.12 After the ACC reviews the plan and have been approved, it is then returned to the Community Manager for further processing. The Community Manager contacts the property owner with the details. The owner is then issued a permit for work to begin.
- 3.13 Minutes from each ACC meeting will be sent by e-mail to all ACC members, the POA board liaison and the Community Manager within two days of the meeting and a hard copy is placed in POA office file. An active Project List is maintained by the ACC. This list will be updated and published within two days of each ACC meeting so that any beginning field activity can be monitored.
- 3.14 Each item on the Active Project List is assigned to an ACC member. Each ACC member reports their weekly field inspection findings at the next scheduled ACC meeting. These findings are then documented in the meeting minutes.



4 Permits and Construction

- 4.1 Once the required plan documentation is reviewed and approved by the ACC, a permit shall be issued by the Community Manager. The permit may be cancelled at the discretion of ACC.
- 4.2 The property owner and the contractor must review the proposed permit, and sign the Inspection Process Document (Form No. 5) before a permit will be issued.
- 4.3 The permit must also show any variances approved by the ACC.
- 4.4 This permit must be displayed on the construction site in a location within 15 feet of, or easily seen from, the roadway and remain posted until project completion. Failure to do so will result in a Red Tag.
- 4.5 The location is inspected weekly by a member/s of the ACC in an attempt to ensure that the site conforms to the approved plan, and is kept clean and that no debris has spread to neighboring lots.
- 4.6 The ACC reserves the right to place a “Red Tag” on any site that fails to be in compliance with the required applications, rules, plans and/or fees applicable to this process.
- 4.7 The “Red Tag” shall require the cessation of all construction activities until the respective applications, rules, plans and/or fees have been submitted or corrected. At that time, the ACC will approve the continuation of construction (See Section 9 for a further definition of the “Red Tag”.)
- 4.8 Project completion shall include the following:
 - Water, Sewer and Electrical service must be functional.
 - Removal of all of the following items:
 - Temporary power pole
 - Portable toilets
 - Construction fence
 - Trash receptacle
 - All building materials, construction tools and scraps
 - Construction vehicles including trailers
 - Dead trees and branches
 - Piles of fill dirt and brush
- 4.9 When the property owner or contractor notifies the Community Manager that the construction is complete, the site is then inspected for cleanliness and for road, easement or adjoining property damage. After inspection, the Community Manager will call the property owner with the results of the inspection.
 - 4.9.1 If no clean-up, no repair or no damage is discovered on the property during the final inspection, the deposit is then released to the property owner. **IT IS THE PROPERTY OWNER’S RESPONSIBILITY TO REQUEST THE DEPOSIT.**
 - 4.9.2 In the event that damage has occurred and is not corrected by the property owner or the contractor, the property owner will be responsible for the full cost of the required correction.
 - 4.9.3 The ACC shall review the continuing process and report to the Deed Restriction Committee any abandonment.



5 Major Construction Projects

5.1 While the basic process is the same for all projects, this section discusses major projects.

5.2 Definitions.

Following are projects considered major in nature:

- New Home Construction (Which can include landscaping).
- New Additions (Attached or unattached)
- Bulkheads, Boathouses, Piers, Docks (Structures built on the water)
- Major Landscaping (Which includes entry way, drainage and irrigation systems, and structures))
- Swimming Pools
- Garages

5.3 Application Process

5.3.1 Applications requiring connections to sewer, water and storm drainage systems (driveway culverts):

- Must be approved by the Cape Royale Utility District (CRUD) prior to submittal to the ACC.
- Private sewage systems for The Reserves must be approved and certified by the Trinity River Authority (TRA).

5.3.2 Other requirements for major (large) projects

- Bulkheads, boathouses, piers and docks require permit(s) from the Trinity River Authority (TRA) and/or the Corp of Engineers.

5.3.3 The property owner shall furnish two (2) sets of document plans and/or descriptive specifications of the proposed new construction and/or improvements with the Plan Review Application. This shall include a copy of any required CRUD, TRA, Corps of Engineers or Floodplain Development approvals/permits.

5.3.4 The Community Manager receives the plans from the property owner, makes the fee and deposit calculations (Form No. 2) and collects any monies required.

5.3.5 The Community Manager initiates the ACC review process (Section 3)

5.3.6 Make certain when filling in the “New Home Project Start Date” and the “Project Dry-in Date” on Form No. 1, that the time allowed is no more than a six-month period This is to be strictly followed or you will automatically forfeit your refundable deposit, and a fine will be assessed the first day after said Dry-in Date in the following manner \$100.00 for the first month and increasing in \$100.00 increments every month thereafter that the project is not complete.

5.3.7 The “Project Completion Date” must be adhered to or you will automatically forfeit your refundable deposit, and a penalty will be assessed in the exact manner as stated in section 5.3.5

However, an extension for the project dry-in date and/or completion date may be requested. An extension request must be submitted to the ACC within three weeks before the original completion date, for approval. Approval may or may not be granted.

5.3.8 Set Backs/Encroachments



- 5.3.8.1 A visit to the lot is normally done to check for slab, driveway and building pad location problems on close fit lot/structures. This can occur when the space available on the site is limited. Limited means that the batter boards or slab corners could intrude on an adjacent lot.
- 5.3.8.2 No part of the structure, driveway or building pad is allowed to encroach on the building setback lines or easements.
- 5.3.8.3 Some exceptions are air conditioning units, roof eaves and driveways crossing the setback and utility easement.
- 5.3.8.4 The building setbacks are located on the sides, front and in some Sections, the rear of the property. Check the Deed Restrictions for your section.
- 5.3.8.5 CRUD may allow encroachment of decks, sidewalks, stairs, patios, etc. on their easements but paper work must be filed with the CRUD approving such encroachment.
 - 5.3.8.5.1 This filing assures that if the structure/flat work must be removed from the easement for CRUD repairs, the property owner will assume all costs of structure removal and replacement.
 - 5.3.8.5.2 This also allows the property owner to get a clear title should he decide to sell his home site.
 - 5.3.8.5.3 The plan is then given to CRUD for approval regarding easements, culvert size and location
 - 5.3.8.5.4 When CRUD has approved the plan, the property owner/contractor is notified by phone and by letter. The letter states what has been approved and explains any critical areas of the plan that must be strictly adhered to. Notification is also given that any changes to the approved plan must be resubmitted to the ACC for further approval.
- 5.3.9 The proper size driveway culvert should be installed (minimum of 18 inches in diameter unless otherwise approved by CRUD).
- 5.3.10 First time builders in Cape Royale are required to meet with the ACC Chairman or designate to discuss the CIM and answer any questions regarding construction in the Cape.
- 5.3.11 The location is inspected weekly by member(s) of the ACC to ensure that it adheres to the approved plan and that it is kept clean and that debris is not allowed to spread onto neighboring lots. Trash dumpsters are required. Any exception due to the site conditions must be approved in writing by the ACC and included on the Building Permit.
- 5.3.12 In cases where the space available for the house on the site is limited, it is required that the ACC be notified when the batter boards and slab corners are in place so they can be inspected by the ACC
- 5.3.13 Builder's Location Protection Deposit Refund
 - 5.3.13.1 The deposit will not be refunded until all signs and building material have been removed and all damage to the adjoining property and roads have been repaired.
 - 5.3.13.2 Once the conditions of Section 4.9 have been met, the property owner shall notify the Community Manager that they are entitled to a refund of the Builders Location Protection Deposit.



5.3.13.3 After all reasonable efforts have been made to notify the property owner, including notification by registered letter, when required; any unclaimed funds will be transferred to the General Fund of the POA. These funds along with funds from other sources will be used for road maintenance. Sixty (60) days after the project permit completion date, any unclaimed funds will be transferred to the General Fund of the POA

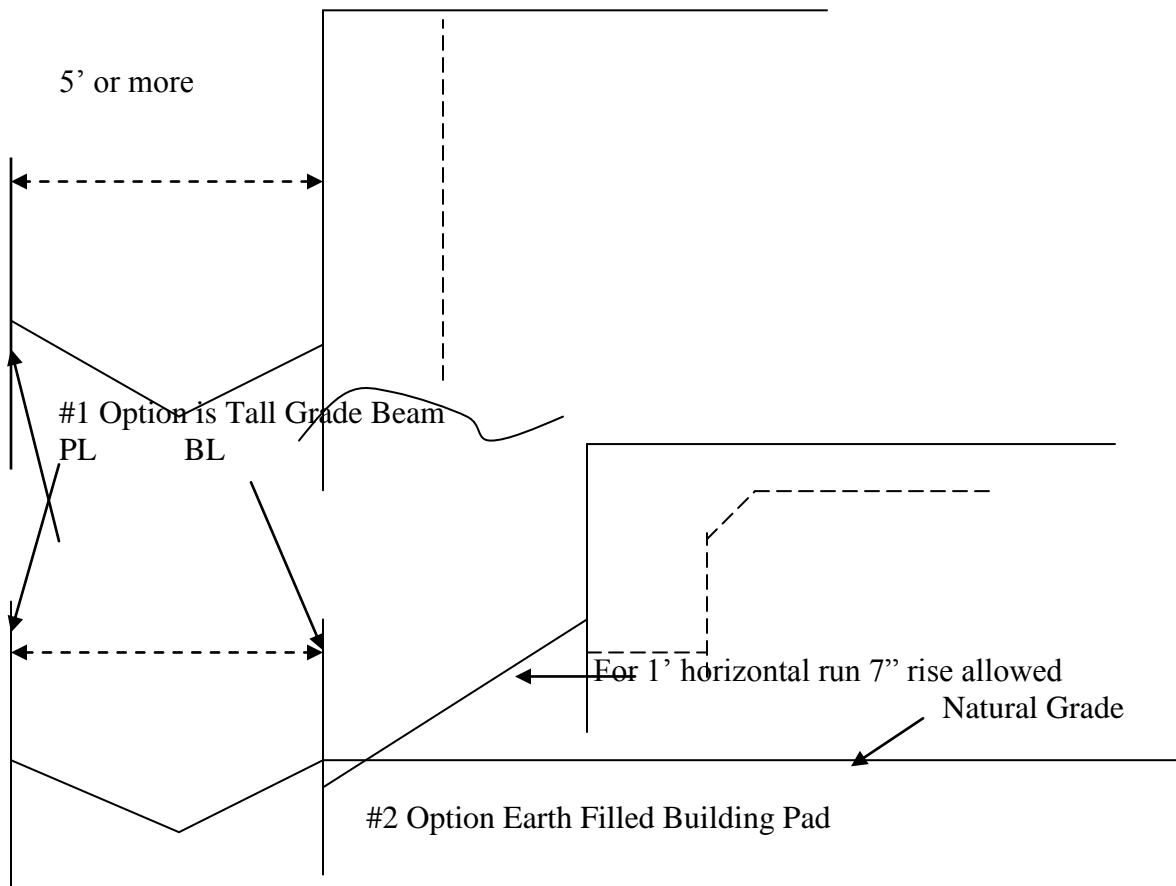
5.4 Surveyors Pins

5.4.1 For new projects, it is required that the surveyor's corner pins of the property are located and staked and the corners of the proposed foundation are staked prior to the review process. If the corner pins cannot be found, a new survey will be required.

5.4.2 If there is a tight fit of the foundation with respect to the building lines, a survey will be required to locate the corners of the proposed foundation prior to approval for construction. For additions to existing structures, these requirements shall be judged on a project-by-project basis.

(a)Figure 3.7 Narrow Lots building restrictions

For Narrow Lots or any lot where building pad may encroach on building set back lines between adjacent properties.



Requires Building Pad to be considered part of structure thus its toe must be within area inside of all building setback lines adjoining other properties except street rights of way.



5.5 Residential Plan Standards (New Home Construction)

- 5.5.1 All plans and specifications should be prepared in a professional manner. An Architect and/or Residential Designer are not required, however, it is recommended for better results.
- 5.5.2 The ACC plan standards to be submitted as part of the Plan Review Application process are, at a minimum, as follows:
 - 5.5.2.1 Site Plan – A scaled site plan showing property dimensions, building setbacks, easements, the location of all proposed structures, drives walks, patios, bulkheads, boathouses, piers and all other proposed improvements. The site plan shall clearly indicate the total square footage of driveways, walkways and patios and the materials of construction (i.e. concrete, limestone, asphalt, etc.)
 - 5.5.2.2 Floor Plans – Drawn at readable scale (i.e. 1/8" = 1' 0", 1/4" = 1' 0", etc.), showing pertinent information required for constructing the improvements. The floor plan shall clearly indicate the total square footage of all structures and levels including any decks, patios, garages and/or carports, etc. This square footage is not limited to that provided with heating, ventilating, and air conditioning (HVAC).
 - 5.5.2.3 Elevations - Minimum of four (4) at a readable scale (i.e. 1/8" = 1' 0", 1/4" = 1' 0", etc.) showing pertinent information to explain the design and materials of the proposed structure.
 - 5.5.2.4 Foundations Plans - A plan and details are required showing the type of foundation to be constructed for the proposed structure: columns with supporting footings, pier and beam supporting an above grade floor system, concrete slab and beams supported by the earth (floating slab), by spread footings, by bell-bottom footings, etc. Due to unusual soil conditions found in this area, it is strongly recommended that a Structural Engineer, using a soil test(s) as reference, design the foundations. The above recommendations are made for your protection; foundation problems are expensive to correct.
 - 5.5.2.5 Specifications - Specifications indicating materials of construction, color schemes and any other information that will help to explain the exterior design features of the proposed structures (i.e. Tan stucco and dark brown cultured stone) must be listed. These specifications may be included as notes on the Floor Plans or Elevations.
 - 5.5.2.6 Topography drawings – After a site inspection by the ACC, the requirement for a topographical meeting with the Property Owner, Contractor, ACC and CRUD will be determined. If from this meeting the ACC and CRUD determine the topographical changes planned for the lot will not cause a drainage problem, no topographical drawings will be required. If it is determined that CRUD needs topographical drawings to ensure compliance to State law (Section 6.2.6.1), two contour drawings with contour lines at every two (2) feet of elevation change based on a known benchmark (water meter, manhole, etc) are required, one identified as existing and one identified as finished. These drawings will be delivered to CRUD with the Site Plan. CRUD is responsible for drainage and this will be required to complete their



effort.

Per State of Texas law: 11.086 Overflow Caused by Diversion of Water

“No person may divert or impound the natural flow of surface water in this state, or permit a diversion or impounding by him to continue, in a manner that damages the property of another by the overflow of water diverted or impounded. A person whose property is injured by an overflow of water caused by an unlawful diversion or impounding has remedies at law and in equity and may recover damages occasioned by the overflow.”

- 5.6 All drawings showing concrete construction shall indicate the quantity of concrete to be placed in the structure: (i.e. Foundation = 50 cubic yards [C. Y.]

6 Small Construction Projects

- 6.1 While the basic process is the same for all projects, each of the three types of projects has differences. This section discusses those differences for Small Construction Projects.
- 6.2 Small Projects are defined as those that are minor in nature, and all require permits. These projects typically constitute new exterior construction, or projects not done with new home construction.

Following are examples of “Small Construction Projects”.

- Siding
- Painting (Permit Only, No Fee)
- Fences
- Decks and/or Patios
- Patio Covers
- Gazebo
- Landscaping that requires trucks larger than a pickup
- Small Storage Buildings (Less than 50 square feet in footprint)
- Hot Tubs and/or Spas
- Carports
- Driveway Culverts
- Driveways
- Walkways
- Bulkhead Caps
- Flag Poles
- Solar Panels

- 6.3 ACC approval must be obtained prior to the construction or installation of any (large or small) storage building. Any outside building not connected to and away from the house, which is to be used for storage, must have like colors and materials (siding, roofing) of the house itself,

6.3.1 The Building, if above the ground more than six (6) inches, must be skirted with lattice or other material approved by the ACC.

6.3.2 The location of the building must be identified with a site plan and the appropriate



documents in the Plan Review Application approved by the ACC.

6.3.3 These stipulations are to be followed or a penalty of \$100.00 per month will be assessed for every month of non-compliance.

- 6.4 During construction, an alternate trash receptacle may be approved by the ACC if a trash dumpster cannot be physically placed on the site or there are other reasons why a small receptacle is appropriate. Any alternative must be approved in writing by ACC for each job and so stated on the Permit.

7.0 Repairs and Maintenance Projects

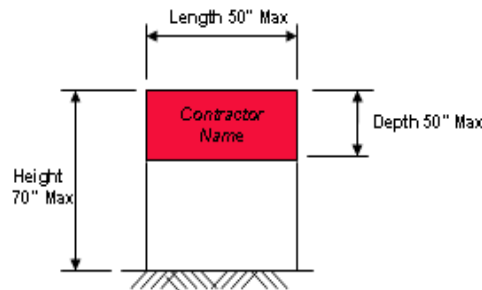
- 7.1 A Maintenance Repair Form7 Application must be submitted for exterior repairs and maintenance on existing structures, such as repainting, residing, reroofing and bulkhead repairs. Applications are reviewed against the appropriate requirements road fees paid, as appropriate.
- 7.2 The ACC does not require a fee for repair, replacement or maintenance except for the ('per') truckload fee, (see Form No. 4), as long as the size or architecture of the existing construction or structure is not being altered.
- 7.3 Should a rejected proposed color be utilized to paint the home, a penalty of \$300.00 per month will be assessed for every month of non-compliance.
- 7.4 An alternate trash receptacle may be approved by the ACC if a trash dumpster cannot be physically placed on the site or there are other reasons why a smaller receptacle is appropriate. Any alternative must be approved in writing by ACC for each job and so stated on the permit.

8 General Requirements – All Projects

- 8.1 Employees/Sub-Contractors Lists
- 8.1.1 If the property owner is acting as the General Contractor, the property owner shall submit a list of all sub-contractors to the Community Manager.
- 8.1.2 If the property owner retains a General Contractor, that person shall submit a list of all of the companies' employees and sub-contractors that will be working on the project to the Community Manager.
- 8.1.3 The list shall be kept updated as the job progresses. The contractor's phone numbers shall be listed for verification and/or changes.
- 8.1.4 Frequently, some sub-contractors cannot speak enough English to identify the project where they wish to work. Be sure to give written instructions for the admission of any worker/s that are to be allowed through the gate, or notify the entrance gate to expect these workers. If there is no notification for their entrance, they will be turned away
- 8.2 Suppliers/Deliveries Lists
- 8.2.1 A list of suppliers normally used shall also be submitted. If the contractor is frequently working in the Cape, the list may serve all projects under construction.
- 8.2.2 Notification to the Entrance Gate of expected deliveries will assure that approved materials or services are not detained.
- 8.2.3 No construction vehicles larger than a pickup truck will be allowed entry except to an ACC permitted project.



- 8.2.4 For all deliveries for fill material, etc., and for new Small Projects, where the road maintenance fee is based on a charge per truck load, the Supplier trucks are required to provide a copy of the delivery ticket at the guard gate. That ticket shall include the location of the project, name of the property owner, name of the contractor and brief description of the material being delivered (i.e. “6 C. Y. of bed mix for landscaping” or “6 C.Y. of stone for fill at bulkhead installation”).
- 8.3 Load Limits - In order to minimize the damage to the roads in the Cape, the following load limitations have been adopted for all construction projects:
- 8.3.1 Concrete and Guniting – Six (6) cubic yards maximum per truckload.
- 8.3.2 Soil, sand and stone – Nine (9) cubic yards maximum per truckload.
- 8.4 Work Hours/Noise – Work cannot begin before 7:00 am local and must end by 7:00 pm local. No loud music shall be allowed.
- 8.5 Burning - The burning of brush, trees or construction materials is not allowed in Cape Royale
- 8.6 Construction Signs - Contractors
- 8.6.1 Contractors may post one advertising sign after the permit has been issued, the porta-can and orange fence are in place. Premature posting of a sign will result in a \$100 per day penalty.
- 8.6.2 Signs shall be made of wood, metal, PVC or wood composite material.
- 8.6.3 Signs shall be professionally developed/painted or printed. Hand lettering is not permitted.
- 8.6.4 Signs shall be supported by independent posts; not affixed to trees, windows, fence, walls, etc.
- 8.6.5 Supporting posts shall be painted and clean of construction debris or mud.
- 8.6.6 Signs shall conform to the size restriction shown in the following diagram



- 8.6.7 All signs must be removed once construction is completed. When the portable toilets are removed, the signs must be removed. If the sign remains, it will be removed and the sign owner will be fined \$100.
- 8.7 For Sale/For Rent Signs
- 8.7.1 Lots and existing houses may post a maximum of one (1) sign. Two (2) signs are allowed if the property is on the golf course or waterfront.
- 8.7.2 All For Sale or For Rent by Owner signs must be approved by ACC prior to use and



will be based on quality of the sign. Pre-approved standard 18"x 24" wide, metal signs can be obtained subject to availability from the Community Manager for a deposit of \$100, fully refundable if the sign is returned to the Community Manager in good condition. Removal of any unauthorized sign will be requested by the Community Manager.

8.7.3 The property owner will also receive an attachable blank white metal plate so each owner can add his or her phone number using 4" high block numbers (no hand drawn numbers).

8.8 Work Site/Trash/Orange Fence

8.8.1 The work site must be kept neat and clean.

8.8.2 The owner and/or contractor shall pick up all trash at the end of the work day.

8.8.3 A trash dumpster shall be kept on the site. An alternate trash receptacle may be approved by the ACC if a dumpster cannot be physically placed on the site or there are other reasons why a smaller receptacle is appropriate. Any alternative must be approved in writing by ACC for each job and so stated on the posted permit.

8.8.4 All trash shall be kept off of the roads and adjoining property at all times.

8.8.5 Loose trash shall not be hauled through the Cape, particularly in the bed of pickup trucks. Trash or construction debris or lumber transported by trailers, pickups, trash bin, etc must be covered with a tarp when within the cape.

8.8.6 Construction materials shall not be placed in CRUD trash/garbage dumpsters.

8.8.7 Plastic orange construction fences must be erected on the site's side boundaries of all construction sides extending the length of the property. For bulk head or boat house work the fence may extend from the water edge up to the home's edge. If a structure does not exist on the property the fence must extend the length of the property's sides.

A metal chain link fence may be placed with the orange fence for support, any other type of metal fence must be approved by ACC.

8.8.8 Fencing must be in place after the preparatory site work is complete and before the start of foundation activity.

8.8.9 No construction materials may be located within fifteen (15) feet of a roadway or on adjacent property unless waived by ACC.

8.9 Culverts

8.9.1 Unless otherwise approved by CRUD a corrugated steel culvert (minimum eighteen (18) inches) must be placed at all proposed driveway locations.

8.9.2 Culverts shall be covered in all drainage ditches to preserve the integrity of the water flow and design of the ditch prior to commencement of construction.

8.9.3 CRUD shall approve the size and grade elevation of the culvert.

8.9.4 It is suggested that when possible, a temporary crushed stone driveway base be installed to allow a mud-free access to the property.

8.9.5 The property owner and contractor are responsible for keeping the roadway free of mud.

8.9.6 The contractor shall meet all regulatory (e.g. Texas Commission on Environmental Quality, US EPA, etc.) requirements regarding movement of silt and materials from the site to drainage ditches, the lake and/or adjacent properties.

8.10 Portable Toilets

8.10.1 At least one (1) portable toilet must be supplied for each construction site when the



project will require more than seven (2) days.

8.10.2 This toilet must be onsite before any construction can begin. An exception may be granted if the property owner gives written permission in the permit application to the property manager for the use of their existing facilities and must be specified in the permit.

8.10.3 Portable toilets should be at least fifteen (15) feet off of road unless waived by ACC. The toilets must be serviced on a regular basis.

8.11 Speed Limits

8.11.1 All posted speed limit signs must be obeyed.

8.11.2 Those observed ignoring these limits could be banned from entering the Cape.

8.11.3 Trucks larger than a pick-up must adhere to a maximum speed limit of 15 MPH for safety purposes and to reduce damage to roadways.

8.12 Cleaning or Dumping Concrete

8.12.1 Cleaning and/or dumping excess concrete is not allowed in the Cape. Concrete trucks shall raise their chute before leaving the job site so no concrete will get on the road.

8.12.2 The respective property owner and/or contractor shall clean up violations.

8.13 Propane Tanks shall be screened from view by landscaping

8.14 Building Site Inspections are required and will be carried out in accordance with Section 3 and Form No. 5 - ACC Inspection Process.

8.15 Cutting of Trees

8.15.1 The cutting of live trees is controlled by Deed Restrictions of each section of Cape Royale. There are no permitting requirements on the removal of dead trees. However, 8.16.6 and 8.16.7 still apply.

8.15.2 When a property owner wishes to remove live trees larger than six (6) inches in diameter at the height of one foot above natural grade and not within the bounds of a proposed structure or in close proximity thereto, a permit must be obtained from the Community Manager, after approval by the ACC.

8.15.3 The footprint of the proposed foundation shall be marked and all trees requiring removal shall be marked with colored ribbon. The ACC representative shall then inspect and request the Community Manager to issue a permit which lists the total number of trees to be removed and specifically lists any trees that are outside of the foundation area. A copy of the list will be forwarded to the property owner and contractor and placed in the property file.

8.15.4 This requirement includes the clearing for the placement of driveway culverts, which are required and approved by CRUD, and for bulkhead construction.

8.15.5 Tall trees to be removed shall be taken down in a manner that will protect surrounding trees that will remain.

8.15.6 Trees shall not be allowed to fall on adjacent property, without prior approval of the adjacent property owner. This requirement may cause trees to be topped and dropped in sections.

8.16 Colors of Paints and Roofs

8.16.1 The color of paint chosen for the exterior of a home, and the color of the roof, must be compatible with the surroundings.

8.16.2 When a paint or roof sample is given to the ACC for approval and there is a question as to the acceptance of the color, then the ACC must make the effort to



check out the surrounding area of the project in question before it is denied.

8.16.3 If the ACC rejects a proposed color submitted by the Property Owner, he/she may appeal to the POA Board. Otherwise, the decisions made by the ACC are final.

8.17 Contractor Parking

8.17.1 Deed Restrictions do not allow parking on grass or dirt areas. All property owners must follow this restriction, as well as contractors, employees, subcontractors, etc.

8.17.2 When necessary due to the nature of the work being performed, a vehicle may be driven across dirt or grass to delivery supplies or tools to the work site. This vehicle may not remain in that area more than 30 minutes and personnel must be actively loading or unloading the vehicle.

8.17.3 This does not apply areas of new home construction sites where the grass has not been installed.

8.17.4 Violations will result in a Red Tag and/or Deed Restriction violation letter.

9 Red Tag Definitions and Procedures

9.1 There are two (2) types of Red Tag procedures, either can be utilized at the discretion of ACC. The first is for apparent violations which ACC seeks additional information from the property owner before the tag is set and the second involves obvious violations that are red tagged immediately.

9.2 Violations and Deviations from approved plans and procedures that could be red tagged includes:

- Violations of any Deed Restrictions
- Violations of any CIM procedures
- Any changed from approved plans
- Changes to approved colors of paints/roofs or materials of construction
- Changes to approved sizes or locations of structures
- Beginning construction without a portable toilet or misplacement of a portable toilet.
- Conducting construction without a posted valid permit.
- Failing to remove construction signs or advertising signs when portable toilet is removed and/or construction is complete.
- Failing to have an approved trash container.
- Failing to maintain a “well kept site” relating to trash and building materials.
- Failing to have an orange construction fence properly in place

9.3 Red Tag Procedures

9.3.1 For obviously violations

Any ACC member observing a violation should report it and the location to the Community Manager by e-mail. The Community Manager will then red tag the site and photograph the violation. If there is a question about the violation, the reporting ACC member should be contacted by the Community Manager for clarification. Then the Community Manager will make an attempt to contact the Property Owner and/or the Contractor verbally and provide a notice in writing to the Property Owner and Contractor stating the violation.



9.3.2 For apparent violations that require more information

Any ACC member observing an apparent violation should report it and the location to the Community Manager by e-mail. The Community Manager will photograph the violation. If there is a question, the Community Manager will contact the ACC member for clarification. The Community Manager will make an attempt to contact the Property Owner and/or the Contractor by telephone and provide a notice in writing to the Property Owner and Contractor stating the violation. If the issue is not resolved within a week, a red tag will be placed at the site requiring cessation of construction.

- 9.4 When a Red Tag is placed work must immediately stop until the deviation(s) corrected or the issue is resolved and ACC has approved the continuation of construction. A fine of \$100 will be levied for a Red Tag and must be paid before construction can be resumed.
- 9.5 If any type of work, other than to correct the deviation(s), continues after a Red Tag has been placed, an additional fine of \$100 per day will be levied.
- 9.6 When the Community Manager is notified by the property owner or contractor that the deviation has been corrected and the total fine has been paid, the Red Tag is then removed. All ACC members are notified via e-mail by the Community Manager.
- 9.7 If the property owner or the contractor wants to contest the Red Tag, the fine/s must be paid and then an appeal can be made to the full ACC committee.
- 9.8 If it is determined that a contractor and/or his/her supplier has violated the load limits as specified in Section 8.3, the following will occur:
 - 9.8.1 Contractor:
 - 9.8.1.1 On the 1st violation, the site in question will be “Red Tagged for Load Violation” and the property owner/contractor is required to pay a \$500 fine.
 - 9.8.1.2 On the 2nd violation, the contractor will be fined \$1000 and prohibited from conducting future construction projects in the Cape until further notice.

10 Notice to Property Owners – For Information Only

- 10.1 The POA, the ACC and the Deed Restrictions Committee do not accept any liability for the structural design and/or construction of any portion of your residence.
- 10.2 Past soils test reports and some foundation failures have shown the soils found in the Cape to have varying structural stability. Therefore, it is suggested that a soils test(s) be conducted on your building site. The soils test(s) report should then be submitted to your Architect/Designer or a Structural Engineer to aid in structural design of the building foundation.
- 10.3 These additional costs are minor when compared to the total amount that may be spent in construction of your residence and/or repairs for structural failures. This is only a suggestion for your consideration.

11 Forms Used in the Permitting and Construction Process

These forms can be obtained from the Community Manager or from the Cape Royal web site.

- 11.1 Form No. 1 – Plan Review Application – to be completed by Property Owner
- 11.2 Form No. 2 – Application Fees Worksheet for Major Construction Projects – to be completed by the Property Owner and the Community Manager.



- 11.3. Form No. 3 - Application Fees Worksheet for Small Construction Projects – to be completed by the Property Owner and the Community Manager.
- 11.4 Form No. 4 – Road Maintenance Fee Calculation – for use by the Property Owner and Community Manager.
- 11.5 Form No. 5 – ACC Inspection Process Document – to be completed by Property Owner, Contractor and ACC Representative.
- 11.6 Form No. 6 - Final Inspection/Refund Request.
- 11.7 Form No. 7 – Maintenance/Repair Permit Application