



**Architectural Control Committee
(ACC)**

Packet for New Home Construction

As of: 1 February 2018

**Questions, - email acc@elkinslake.net or
Call 936- 295-8181 or visit an ACC meeting**

Introduction and Welcome

Welcome to Elkins Lake! We appreciate your interest in our community and look forward to having you join our neighborhood. We recognize that constructing a home is a major undertaking and one that involves a number of moving parts. Building standards and requirements for both the City of Huntsville and Elkins Lake will apply to your intended project. This packet is intended as a resource for you to plan your strategy for design, permitting, approval, construction and, occupancy. This packet includes the following information:

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Deed Restrictions

Each Section within Elkins Lake has a separate set of Reservations, Restrictions and Covenants (Restrictions). These documents inform and govern use of your private property, and are officially filed with Walker County as part of the perpetual rights and obligations of property ownership. Restrictions speak directly to standards for design, construction, and occupancy of residences in Elkins Lake, and establish the role and authority of the Architectural Control Committee (ACC). Restrictions provide assurance to all Property Owners in our community that these standards will be complied with and consistently applied in order to maintain our property values and the environment in which we have chosen to build and live.

A copy of Restrictions for the Section in which you are interested is attached to this packet.

Additionally - take time to review current ACC Deed Restrictions Interpretations. (also attached)

Please review your specific Restrictions / Interpretations carefully before making design decisions, as they contain specific regulations regarding size and interior spaces of your home, specifications regarding landscaping, building material, ongoing maintenance obligations, and much more. Prior to gaining construction approval from the ACC, you must complete attached acknowledgement form expressing your agreement to comply with Restrictions for your Section both during and after construction of your home.

Lot Consolidation

Restrictions allow for combination of adjacent lots into one building site as long as certain criteria are satisfied. This process requires several steps, but allows for a larger site upon which a bigger home or surrounding yard may be built.

Policy governing consolidation

In establishing an option for lot consolidation, it was the Developer's original intent to ensure that once consolidated, lots will remain so permanently. To ensure that this is accomplished, the A.C.C. has adopted the following requirements for lot consolidation.

- (1) Utility easements must be released and documented by all entities.
- (2) Foundation of residence, including heated and air conditioned space, must be located at least one foot across either side or rear lot line(s) of lots to be combined. Same standards apply to new construction or additions.
- (3) Upon completion of construction, Property Owner must request ACC approval of consolidation in writing before individual maintenance fees on each lot may be consolidated into one Gold Card Fee.
- (4) Maintenance fee consolidation will occur when improvements are complete and house is ready for occupancy.

Procedures for consolidating lots

The following outlines steps required to request lot consolidation for the purpose of constructing a residence on multiple lots. Please remember this describes Elkins Lake procedures, it does not include requirements of the City of Huntsville. Additional steps may be required in order to secure a City building permit for construction on multiple lots.

- (1) Secure a release of easement from each of the following entities:
 - a. Huntsville/Walker County AT&T: (281) 379-7518
 - b. Centerpoint Energy: (713) 207-6347
 - c. Entergy: (281) 362-4040
 - d. Huntsville-Suddenlink Cable: (936) 295-2664
- (2) After securing letters of release from all of the above, secure an Elkins Lake release of easement.
Marie Kinkelaar (936) 295-8181
- (3) Submit Elkins Lake construction filing fee (as follows).
- (4) Secure ACC approval of construction plans (as follows).
- (5) Submit construction plans, and releases of easements to City of Huntsville:
City of Huntsville Service Center - Planning Division (936) 294-5782
448 State Highway 75 North
Huntsville, TX. 77320



ACC Construction Approval

As mentioned in the beginning, construction in Elkins Lake requires both a City of Huntsville Building Permit, and approval by the Elkins Lake Architectural Control Committee. ACC approval is required before requesting a City Building permit. The set of drawings (3ea) will be reviewed / stamped / approved by ACC. Copy retained by ELRC. The same ACC approved drawing set (now 2 ea.) is then taken to City of Huntsville for building permit.

Filing Fee required

ACC established and authorized following filing fees. Filing fee is deposited upon project approval and is fully refundable upon completion of project, provided all provisions of Restrictions have been met, and approved construction plans have been followed. As implied by the following list, each of the activities listed requires approval prior to project initiation.

(1) New home construction ^(a)	\$ 2,000
(2) Remodeling	\$ 250
(3) Bulkheads ^(b)	\$ 250
(4) Fence / roofs / overhangs ^(b)	\$ 250
(5) Driveways and walks ^(b)	\$ 250

^(a) Filing fee for new home construction includes all elements of construction project included on submitted plans. These include all specified bulkheads, fences, roofs, overhangs, driveways, walks, etc. All items to be constructed must be shown on plans submitted for approval. Changes or additions to approved plans (ex. fences not originally planned) will require separate A.C.C. approval if home is complete and deposit returned.

^(b) The approval process and listed filing fee applies to new construction, replacement, or reconstruction.

Compliance determination

Purpose of fees is to assist in ensuring compliance with applicable Restrictions. During construction, job site will be subject to periodic inspection by the ACC or its authorized representative. If a violation is noted, Contractor and / or Property Owner will be notified and asked to take remedial action within seven days. If corrective action is not taken as specified, Property Owner will be notified in writing that continued violation will result in complete or partial forfeiture of their filing fee. Continued violation may result in further action including but not limited to withdrawal of construction approval and legal remedies. The filing fee program does not restrict the ACC from seeking additional legal action in order to apply Restrictions, and is in addition to available legal remedies for non-compliance with the Restrictions.

Refund / withholding policy

Upon notice from Property Owner that construction has been completed, the ACC or its authorized representative will inspect construction site according to following criteria:

- (1) Compliance with approved site plan, building plan, and specification approved
- (2) Compliance with provided Elkins Lake special requirements
- (3) Compliance with job site requirements and ACC policies
- (4) Completion of final site cleanup

Following completion of final inspection, the ACC will make a final determination regarding amount to be refunded or withheld.

Required Submittals

Deed Restrictions specify criteria around which the ACC will evaluate proposed construction projects for approval. These include:

- (1) Compliance with Restrictions
- (2) Quality of materials
- (3) Harmony of external design with existing and proposed structures
- (4) Location with respect to topography and finished grade elevation

To successfully discharge these responsibilities, ACC requires submittal of following documents and specific information in order to gain approval. Three complete sets of design package.

Current Deed

In order to demonstrate clear title to the property for which plans are submitted, a current deed must be provided.

Building Design Package to be submitted:

Note: ACC requires same drawing package as submitted to City of Huntsville. Three identical sets will be submitted to ACC, approval stamped and letter provided. One copy is retained by Elkins Lake, two remaining submitted to City of Huntsville for permit.

Site plan

Following items must be shown on submitted Site Plan.

- Plans must show dimensions, bearings or all property lines and total square footage or acreage of the site.
- All existing and proposed structures must be shown with building dimension and relationship to all property lines and setback lines.
- Access (driveways) must be shown with dimensions, shape, and location.
- All recorded easements must be shown in proper dimensions.
- Proposed landscaping must be shown with dimensions, tree sizes (if applicable), and total landscaped area noted.
- A complete clearing plan indicating all trees to be remain.
-

Building plans

Following items must be shown on submitted building plans.

- Floor plan: Include dimensions of each room including notation of use of each room (ex. Bedroom, kitchen, etc.)
- Floor plan must also include combined area summaries for living area for each floor level, garage and / or covered parking, any porches, and total slab area.
- Elevation drawings showing front, rear, left and right side of the home.
- Elevation drawings **MUST** include indication of the type of exterior material. Exterior veneers must comply with masonry requirements per the Restrictions, Interpretations, and demonstrate harmony of external design.

Building Specifications

Elkins Lake ACC requires architectural specifications in order to discharge responsibilities concerning Deed Restrictions and harmony of construction within the neighborhood. City of Huntsville has responsibility for issuing building permit and thus requires builders to specify construction materials to insure compliance with applicable building code.

ACC needs detailed drawing / written description of exterior appearance of new home. Roof material and color, siding veneers material and color, width of sidewalk, width of concrete driveway, etc.

Additional Elkins Lake requirement

In order to maintain property values and ensure a consistent visual appeal of the community, Restrictions require that all structures must be constructed in harmony with existing environment.

Roofing Materials

To simplify selection of harmonious roofing materials, the A.C.C. has established the following list of acceptable products, providing color selected is in harmony.

- Clay or concrete tile
- At a minimum Architectural Grade roof shingle, earth tone.

Other roofing materials not included above are subject to prior approval.

Lakeview Manor, Golfview Manor, Water's Edge at the 18th

Restrictions for these areas additionally require approval of exterior materials, color selection for these materials and exterior trim, and an indication regarding use of either masonry or wood.

Job Site Requirements

Although home construction is necessarily a dirty and unsightly process, the Contractor and Property Owner may take simple steps to minimize the impact of the process on the neighboring Property Owners and Common Areas.

Site must have erosion control installed and maintained as soon as the lot is cleared. City of Huntsville is responsible for details and enforcement per permit process. However, ACC will monitor and work with Huntsville inspectors. Failure to install, repair or maintain adequate silt screens may result in action including but not limited to partial or complete forfeiture of filing fee, withdrawal of construction approval, corrective action taken at the Property Owner's expense, and / or additional legal action.

- (1) A portable restroom must be placed and maintained on the site.
- (2) Building site must be keep clean of trash and debris, and streets must also be kept clean from mud from the site or vehicles and machinery.

- (3) Elkins Lake facilities and amenities are for private use of Elkins Lake Property Owners. Unless a Property Owner, contractors on site during construction may only fish, swim, play golf or tennis, etc. as invited guests of a Property Owner.

Policy Acknowledgement

Each Property Owner must complete and file attached Policy Acknowledgment form along with all other ACC submittal requirements. Each Property Owner must acknowledge receipt of, understanding of, and an agreement to comply with following policies as outlined in this packet:

- (1) Deed Restrictions
- (2) Lot Consolidation
- (3) Filing fee program, compliance and refund / withholding procedures
- (4) All Job Site Requirements
- (5) Elkins Lake By-Laws
- (6) Elkins Lake Rules and Regulations



ELRC Governing Policies and Documents

Deed Restrictions

As discussed above, the Restrictions for each Section of Elkins Lake inform and govern an Owner's rights and obligations to his / her private property. Additionally, these documents create and give authority to the ACC. The elected ACC is comprised completely of Elkins Lake Property Owners and has complete and exclusive authority to approve or disapprove construction plans, and to enforce the Restrictions in the community. While the Elkins Lake Recreation Corporation operates, maintains and governs the Common Areas, the Board of Directors is not authorized, nor does it choose to intervene in matters involving Deed Restrictions. The ACC consists of the following members.

- Norman Kilgore 409-656-9027 Property Owner (2006), ACC (2017)
- Charles Warner 979-864-6199 Property Owner (2010), ACC (2018)
- Paul Harbison 936-435-1778 Property Owner (2006), ACC (2016)

The A.C.C. has established a standing meeting every Tuesday at 2:00 p.m. pending required activities. Property Owners are invited to attend a Committee meeting to ask questions and seek assistance. Please contact the Administration Office to confirm the meeting time as schedules are subject to change.

The A.C.C. has also established an Administrative Agreement with the Elkins Lake Operating Staff to provide assistance with correspondence, record keeping and other administrative duties. The Operations liaison to the A.C.C. and Property Owners is Marie Kinkelaar. Marie may be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. at (936) 295-8181.

By-Laws

As Deed Restrictions govern use of private property, By-Laws govern use of Common Areas. The By-Laws also provide details and guidelines for the operation of Elkins Lake Recreation Corporation. These guidelines include responsibility and authority of the Board of Directors, creation of Standing Committees, information regarding and limits to increases in Maintenance Fees, voting rights and election procedures, etc. A copy of current By-Laws is included as an attachment to this packet.

Rules and Regulations

Rules and Regulations provide detailed information regarding use of Common Areas and other policies in effect for Elkins Lake Recreation Corporation. Elkins Lake guest policies, and specific policies and programs related to Gold Cards, Green Cards, and Blue Cards are examples of information contained in this document. A complete set of documents is included as an attachment to this packet.

Restrictions - FAQ

Over time, patterns develop regarding questions, concerns and violations that seem to occur most often. The following is a summary of answers to frequently asked questions and important facts.

- (1) Submittal of plans and ACC approval is required for construction of fences, patios, replacement of roofs, home expansion, installation or expansion of driveways, walkways, etc. Please consult with ACC prior to beginning any visible work on your property to ensure that all required approvals have been granted.
- (2) Restrictions in each Section specify that only “Single family” dwellings may be constructed in Elkins Lake. The Elkins Lake By-Laws define this term. A Property Owner is in violation of this standard if more than one unrelated adult is living in one residence.
- (3) Although leasing or renting all or a portion of a residence is not prohibited in Elkins Lake, rental agreement must still comply with single-family requirements as above. Additionally, Restrictions require all rental or lease agreements to be submitted for approval prior to initiation. Please also remember that membership privileges are available only for Property Owners. Property renters will not receive any membership benefit. Contact Administration Office for additional information.
- (4) Restrictions govern and limit removal of trees from private property. Dead trees, those presenting a danger, or those identified as part of an approved clearing plan may be removed with prior approval by the ACC. A tree that is cut down for any reason must be removed from the property and stump must be either removed or cut to within ten inches of the ground.
- (5) Restrictions require all private property to be kept in “sanitary, healthful and attractive conditions”. While this requires individual judgment, violations of this restriction most frequently observed include unkempt yards, tall grass or weeds, dead or significantly leaning trees, trash, and toys or miscellaneous items visible in a front yard.
- (6) Boats, trailers, campers and similar vehicles are not prohibited in Elkins Lake, they must be parked or stored behind front building setback line. Additionally, it is a violation of Huntsville City Ordinance to park vehicles on the streets for extended periods of time or in any way that creates a traffic hazard.
- (7) Before, during, or after home construction, only one standard “For Sale” sign (not exceeding 2’ x 3’ in size) may be placed in any yard in Elkins Lake. Texas Law provides a limited exception for no more than one political sign advocating any particular candidate or election item if the sign is displayed no more than 90 days before and no more than 10 days after an election.
- (8) Each set of Restrictions also provides “Special Restrictions” and designations for certain types of lots. Please review entire set of restrictions for your individual property.

PROPERTY OWNER ACKNOWLEDGEMENT FORM

February 2018

Property Owner(s):	
Contact Phone #:	
Email Address:	
Physical Address (Site):	
Section / Block / Lot:	

Builder (Company)	
Contact Person:	
Email Address:	
Contact Phone #:	
Email Address:	

DEED RESTRICTIONS

I acknowledge that I have received, reviewed, and understand the Regulations, Restrictions and Covenants for my intended building site at Section _____, Block _____, Lot _____. I understand, acknowledge and accept the responsibility for conforming to these Restrictions.

LOT CONSOLIDATION

I have read and understand the Elkins Lake lot consolidation. I acknowledge that these procedures describe only the Elkins Lake consolidation process, and I understand that additional City of Huntsville requirements may apply, and it is my responsibility to understand and comply with these.

FILING FEES

I have read and understand the Elkins Lake policies regarding the Elkins Lake filing fees. I acknowledge that all or a portion of the filing fee may be forfeited if violations of any of the referenced requirements are not corrected according to the timeline and directions provided by the Elkins Lake A.C.C.

JOB SITE REQUIREMENTS

I have read and agree to fully comply with all of the listed Elkins Lake job site requirements. I acknowledge that violation of any of these requirements will result in corrective action including but not limited to withholding of all or a portion of the filing fee, withdrawal of construction approval, or further legal action.

GOVERNING DOCUMENTS

I acknowledge that I have received current copies of the Re-Styled and Amended By-Laws of Elkins Lake Recreation Corporation, and a current, approved version of the Elkins Lake Rules and Regulations for Property Owners.

CONTRACTOR RESPONSIBILITY

I understand and acknowledge that any Contractor selected by me and performing work at my request will fully comply with all of the standards established by the Elkins Lake A.C.C. and Board of Directors. I accept responsibility for the conduct of Contractors performing work at my request and authorize the Elkins Lake A.C.C. or its representative to contact said Contractor in order to facilitate compliance on any standard included in this packet or attachments.

Property Owner

Property Owner

Date

Date

PLAN APPROVAL / DENIAL

February 2018

PLANS APPROVED:

Architectural Control Committee

Date

Architectural Control Committee

Date

Architectural Control Committee

Date

PLANS DENIED:

Architectural Control Committee

Date

Explanation for denial

FILING FEE REFUND / WITHHOLDING

*For Committee Use Only
February 2018*

Property Owner(s):	
Property Owner(s):	
Physical Address (Site):	
Section / Block / Lot:	
Filing Fee on deposit:	

I have looked at above referenced residence and property and recommend following action be taken in regards to submitted filing fee:

COMPLETE REFUND:

To the best of my knowledge, final inspection indicates that project was completed in compliance with approved plans, and all applicable Deed Restrictions, and Job Site Requirements. For this reason, Property Owner is entitled to a complete refund of submitted filing fee.

PARTIAL REFUND / WITHHOLDING:

Based upon following reasons, and additional documentation filed in accordance with the filing fee policy, I recommend withholding _____% of filing fee, equivalent to \$_____.

Architectural Control Committee

Date

General Manager

Date