

CAPE ROYALE ARCHITECTURAL CONTROL COMMITTEE CONSTRUCTION INFORMATION MANUAL

This Construction Information Manual (CIM) represents the information needed to ensure modifications or improvements to the exterior of individual properties within the Cape Royale Subdivision (Cape Royale or Cape) and are reviewed against requirements developed by the community prior to the initiation of any construction activity. Deed Restrictions covering each Section within Cape Royale, along with this CIM shall govern all improvements made to the exterior of individual properties in the Cape.

As stated in the Deed Restrictions for each Section, an Architectural Control Committee (ACC) shall be appointed by the Cape Royale Property Owners Association (POA) Board of Directors (BOD). Excerpts from Deed Restrictions regarding the ACC function and responsibility include:

- “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 effect of adjacent neighboring properties.”
- “The judgment of the Committee in this respect shall be final unless a written appeal is made to the Community Manager within 30 days of receipt of the ACC’s determination.”

The ACC consists of Property Owners appointed by the POA Board of Directors with at least one representative from the Reserves I Section. The Reserves I ACC member(s) are elected by the Reserves I Council. A member of the POA Board of Directors is also assigned to liaise with the ACC.

The Reserves I and Reserves II sections each have an independent ACC. All plans and projects for these two sections must be approved by their respective ACC before the CRPOA ACC will accept them for final review.

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1 Responsibilities

- 1.0 ACC – The ACC is charged with ensuring that plans for construction activities are reviewed against and comply with the requirements. The ACC is not responsible for, nor does it control the quality of, the construction or maintenance of any structure.
- 1.1 Community Manager – Handles the day-to-day administrative matters associated with the receipt of applications from Property Owners, the issuance of permits, issuance of orders to cease construction (Red Tag) as directed by the ACC and collection of fees.
- 1.2 Board Liaison – Will attend the ACC meetings on a regular basis and carry information, questions and feedback between the ACC and the Board of Directors.
- 1.3 Property Owner – Submit applications to the Community Manager in a timely manner and with all required information. The Property Owner is responsible for controlling the quality of the construction and/or maintenance of any structure, including any work performed by Contractors hired by Property Owner.
- 1.4 If a Deed Restriction variance is granted by the ACC in the application process, the appropriate document with legal description of variance must be filed at the San Jacinto County courthouse by the Property Owner.
- 1.5 The variance is effective only when it has been filed, and a file stamped copy has been returned to the POA office.

2 Definition of Construction Projects – There are four classes of construction projects, each of which have different approval requirements: Major (Large) Construction Projects, Small Construction Projects, Spec Home Projects, Repair and Maintenance Projects. Road condition prior to project start is photographed and compared to road condition at project conclusion. Property owner is responsible for any road damage.

2.0 Major Construction Projects

- 2.0.1 New Home Construction – Must be stick built on-site (modular, prefab, manufactured, metal, barndominiums, tiny homes, etc. are prohibited).
- 2.0.2 New Garage Construction – Metal structures and/or cladding are prohibited.
- 2.0.3 Room Additions to Home or Garage – Metal structures and/or cladding are prohibited.
- 2.0.4 New Bulkheads, Boathouses, Piers and Docks
- 2.0.5 Swimming Pools and enclosures must adhere to Texas Health and Safety Code 757.

- 2.0.6 Well Installation
- 2.1 Spec Home Builder/Developer New Home Projects
 - 2.1.1 Homes that are built as an investment are defined as “spec” homes.
 - 2.1.2 Spec Builders are limited to one (1) unsold spec home at any given time. No new spec home applications will be considered by the ACC until the one (1) spec home is sold and occupied by an owner.
 - 2.1.3 Front elevations may not be repeated, without modifications, which are to be approved by the ACC.
 - 2.1.4 Elevations of all four (4) sides must not have the appearance of mass-produced housing.
- 2.2 Small Construction Projects
 - 2.2.1 Decks, Carports, Small Storage Buildings, Gazebos – Metal structures and cladding are prohibited and a maximum of 50 square ft., otherwise a major project.
 - 2.2.2 Painting – Not in like kind.
 - 2.2.3 Siding – Not in like kind.
 - 2.2.4 Roofs – Not in like kind.
 - 2.2.5 Metal Structures – Metal structures (homes, garages, storage sheds, etc.) are prohibited on all residential lots within the Cape. Metal roofs may be acceptable (by ACC approval) provided they are painted to match the house roof in color and/or are harmonious with design of existing structures and the Cape standard of harmony. The internal framing of a building can be metal; however, when an internal metal framing is utilized, no metal can be visible from any external elevation, side or eaves.
 - 2.2.6 Fences – Fences must be approved by the ACC prior to installation. All fences along Cape Royale Drive must be black wrought iron material displaying no tapered pickets and 4-feet in height. Fences should align with neighboring fences and not extend past property lines. A vision of uniformity from the roadway is most important to maintain harmony in the Community.
 - 2.2.7 Hot Tubs and/or Spas
 - 2.2.8 Driveway Culverts
 - 2.2.9 Driveways – Driveways must comply with deed restriction requirements and should be harmonious with the neighborhood. Because gravel and loose rock tend to wash out, causing damage to Cape roads (which are entirely repaired and

maintained from property owner annual maintenance fees), concrete, asphalt, or other hard surface materials are strongly recommended, especially at roadway entry. Applications for driveways entering and exiting Cape Royale Drive will only be considered by approval by the ACC for properties in The Reserves II Tracts 1 through 8. No other applications for driveways on Cape Royale Drive will be accepted/considered by the ACC.

- 2.2.10 Hardscaping – Entryway, drainage systems, irrigation systems, rock beds.
 - 2.2.11 Any exterior changes which require larger than a pick-up delivery
 - 2.2.12 Walkways
 - 2.2.13 Bulkhead Replacement and/or Bulkhead Caps
 - 2.2.14 Flagpole(s)
 - 2.2.15 Solar Panels
 - 2.2.16 Propane Tanks & Screening
 - 2.2.17 Generators
 - 2.2.18 Permanent Fire Structures
- 2.3 Repair/Maintenance Projects
- 2.3.1 Repainting, Re-Siding, Re-Roofing, Wood Replacement – All in like kind; same color, same material, same footprint.
 - 2.3.2 Minor Bulkhead Repair
 - 2.3.3 Landscaping, including bushes, shrubs, small trees, mulch, etc. does not require a permit.
 - 2.3.4 All deliveries in dump trucks and 18-wheelers require leaving a ticket documenting the weight of the load with the Gate. These tickets are given to the POA and an invoice is generated charging the property owner \$35.00 per delivery.

3 Application Process

- 3.0 All Applications for Permit Approval (which can be printed from www.ciranet.com) must be submitted to the ACC through the Community Manager, in writing, by completing the application forms currently in use by the ACC. Plans and specifications for said structure and/or exterior changes are to be attached to the application packet and emailed to the Community Manager in PDF format (caproyal@CIRAMAIL.com) .
- 3.0.1 An official, legal survey inclusive of a site-plan showing house to-scale on property, easements, setbacks, and property lines is required. House plans of the

proposed structure must show the top, front, side, and rear exterior elevations; overall dimensions (length, width, height) of the structure including square footage and layout of the supporting structures (e.g., beams, rafters, trusses, foundation, etc.).

- 3.0.2 When adding or changing footprint of a structure, a copy of an official, legal survey of the lot showing location of the easements, existing buildings and structures and the proposed location of the improvement must be provided.
- 3.0.3 If site is sloped such that water from the site will drain adjacent to property, a description of how water runoff will be controlled is required.
- 3.0.4 A description of all exterior materials to be used is required, including color samples (body, trim, roof, doors, shutters, wood stain, or rock).
- 3.0.5 When building a new home, the Property Owner must obtain a 911 Address from the San Jacinto Country 911/Permit Office located at the Country Courthouse.
- 3.0.6 The Application must be signed by the Property Owner acknowledging agreement and understanding of the CIM, and acknowledging that the selected contractor has also read and understands the requirements.
- 3.0.7 The Application Packet for Major, Spec, and Small Projects must be received by the Community Manager by close-of-business Thursday the week before the regularly scheduled ACC meeting.
- 3.0.8 The Application is not deemed to be officially received by the ACC until all required documentation and signatures are submitted. Incomplete Application Packets will be returned to the Property Owner without ACC approval.
- 3.0.9 The ACC must approve or reject the Application Packet within 30 days after all information has been received by the Community Manager. If an Application Packet is returned to the Property Owner due to insufficient information, the 30-day period will begin when all the required information is properly submitted. If not approved or rejected by the ACC within 30 days, the same will be deemed to be approved.
- 3.0.10 The Community Manager reviews the Application Packet for required documentation. Once deemed complete, Major, Spec and Small Projects are placed on the agenda of the next scheduled ACC meeting which must be attended by the Property Owner and General Contractor. Repair/Maintenance projects are scanned and submitted to the appropriate ACC member(s) for review and final disposition (approval or rejection).

- 3.0.11 The Community Manager will make the fee and deposit calculations and collect any monies required for the project.
- 3.0.12 The ACC will vote on the approval or disapproval of a project with the majority ruling the decision.
- 3.0.13 ACC decisions shall be conveyed in writing to the Property Owner through the Community Manager and shall include a statement of conditions under which the application is approved, if any, or the primary reason(s) for disapproving the application.
- 3.0.14 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.

4 General Guidelines

- 4.0 The ACC shall consider the following factors upon the review of each application for an exterior addition, change, or improvement:
 - 4.0.1 The type of construction and materials, colors, exterior design (elevations), size (dimensions), and location must be harmonious with existing and other proposed structures.
 - 4.0.2 Established Dry-In Date for new structures as defined by deed restrictions for each Section in Cape Royale. Most common definition requires dry-in within 6 months of commencement. Dry-In is defined as meaning the exterior must have the appearance of being a complete house, including all necessary windows, doors, roof, paint, and trim. Each Property Owner should read their specific deed restrictions to ensure compliance.
 - 4.0.3 The location must not violate the building set back lines, utilities or drainage easements as shown on the official recorded plat.
 - 4.0.4 All assessment fees, boat slip rental fees, trailer storage fees and ACC fees must be current at the time of the application.
- 4.1 Cape Royale Utility District (The District) – Applications requiring connections to sewer, water, and storm drainage systems, including driveway culverts:
 - 4.1.1 Must be approved by The District prior to submittal to the ACC.
 - 4.1.2 The proper size driveway culvert should be installed (minimum 18 inches in diameter) unless otherwise approved by The District.

4.2 Trinity River Authority (TRA)

- 4.2.1 Private sewage systems for The Reserves must be approved and certified by the TRA.
- 4.2.2 Bulkheads, boathouses, piers, and docks require permitting from the TRA and/or the Corps of Engineers.
- 4.2.3 Required TRA and/or the Corps of Engineers permit must be included with the Application Packet submitted to the ACC.

5 Fees

- 5.0 Application Fee – There is a non-refundable application fee for Major Projects of \$50.00, Small Projects of \$25.00, and Spec Home Projects of \$250.00.
- 5.1 Road Maintenance Fee – a non-refundable road maintenance fee is calculated using the “road maintenance fee” calculation sheet.
- 5.2 Deposit – A refundable deposit is due for Major, Spec Homes, and Small Projects as follows. The deposit will be refunded after final inspection is complete and there have been no violations or damage identified because of the project. Failure to meet dry-in and completion dates results in forfeiture of deposit.
 - 5.2.1 Major - \$1000.00
 - 5.2.2 Spec Homes – 5x the road maintenance fee.
 - 5.2.3 Small - \$500.00 for trucks larger than pickup trucks; \$250.00 for pickup trucks with or without trailer.
- 5.3 Truck Fees – Maintenance/Repair permits require no application fee, road maintenance fee or deposit. A truck fee of \$35.00 is charged for any deliveries to your property in a vehicle larger than a pickup truck with a trailer. The delivery vehicle is required to leave a deliver ticket with the Gate.

6 Permits

- 6.0 Once approval is granted and all fees are paid, a permit will be issued by the Community Manager.
- 6.1 The permit must be displayed on the construction site in a location easily seen from the street and remain posted until project completion.
- 6.2 The permit will show any variances approved by the ACC.
- 6.3 ACC may issue a “staging permit” which will specify what action is necessary before a regular permit is used. The staging requirements will be included on the permit.

7 Construction

- 7.0 The site must have a posted permit, a portable toilet and trash dumpster/receptacle before beginning site clearance or receiving material delivery.
- 7.1 After site clearance an orange fence or equivalent must be installed before construction activities begin (See 7.10.8).
- 7.2 By accepting the permit, the Property Owner allows any ACC member or their representative to enter any construction site at any time to perform inspections.
- 7.3 Surveyor Pins – for new structures, 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 committee review process.
- 7.4 ACC will visit the lot to check for slab, driveway and building pad location so inspection can take place.
- 7.5 In cases where space availability for the structure on the site is limited, it is required that the ACC be notified when the batter boards and slab corners are in place so inspection can take place.
- 7.6 The location is inspected weekly by member(s) of the ACC to ensure the site conforms to the approved plan and is kept clean and that no debris has spread to neighboring lots.
- 7.7 Work Hours/Noise – Work cannot begin before 7:00 a.m. and must end by 7:00 p.m. No loud music shall be allowed. No work on Sunday unless written permission is obtained from the Community Manager.
- 7.8 Burning – the burning of brush, trees or construction materials is not allowed in Cape Royale.
- 7.9 Construction Signs – Contractors
 - 7.9.1 Contractors may post one advertising sign after the permit has been issued and the port-a-can and orange fence are in place.
 - 7.9.2 Signs shall be made of wood, metal, PVC, or wood composite material.
 - 7.9.3 Size not to exceed 70” in height, 50” in length, and 4” in depth.
 - 7.9.4 Signs shall be professionally developed/painted or printed. Hand lettering is not permitted.
 - 7.9.5 Signs shall be supported by independent posts; not affixed to trees, windows, fence, walls, etc.
 - 7.9.6 All signs must be removed once construction is complete.

- 7.9.7 The respective property owner will be responsible for ensuring the contractor remediates all construction cleanliness violations.
- 7.10 Work Site/Trash/Orange Fence
 - 7.10.1 The work site must be kept neat and clean.
 - 7.10.2 All trash must be picked up at the end of the workday.
 - 7.10.3 All trash shall be kept off the roads and adjoining property at all times.
 - 7.10.4 A trash dumpster shall be kept on 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.
 - 7.10.5 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 must be covered with a tarp when transporting within the Cape.
 - 7.10.6 Construction materials shall not be placed in the trash/garbage dumpsters provided by the utility district for property owner use.
 - 7.10.7 The roadway surrounding the construction project must be kept free of mud and debris.
 - 7.10.8 Plastic orange construction fence or equivalent must be erected on all construction sites along the back boundary line and on the side-facing boundaries extending the length of the property. Bulkhead or boathouse work requires fencing extending from the water's edge up to the home's edge.
 - 7.10.9 Fencing must be in place after the preparatory site work is complete and before the start of foundation activity.
 - 7.10.10 No construction materials may be located within fifteen feet of a roadway or on adjacent property unless waived by adjacent property owner.
- 7.11 Portable Toilets
 - 7.11.1 At least one portable toilet must be supplied for each construction site when the project will require more than two days.
 - 7.11.2 The toilet must be onsite before any construction can begin. An exception may be granted if the Property Owner gives written permission in the application for the use of their existing facilities and must be specified in the permit.
 - 7.11.3 Portable toilets should be at least fifteen feet off of road unless waived by ACC. The toilets must be serviced on a regular basis.
 - 7.11.4 Portable toilets must be placed directly on the ground or on a permanent foundation and cannot be transported within the Cape on a trailer or pickup truck

by the Construction Contractor. Transportation within the Cape must be by the portable toilet vendor.

7.12 Cleaning or Dumping Concrete

7.12.1 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 spill onto the road.

8 Cutting of Trees

8.0 The cutting of live trees is controlled by Deed Restrictions of each section of Cape Royale and requires a permit from the Community Manager after trees are approved for removal by the assigned ACC member of that area.

8.1 When a Property Owner wishes to remove live trees larger than six inches in diameter at the height of one foot above natural grade and not within the bounds of proposed structure or in proximity thereto, approval must be given by the ACC and a permit issued.

8.2 Cutting without a permit will result in a Red Tag and require in kind replacement of the tree.

8.3 After the footprint of all structures on site plan is marked on the site, trees within the footprint and within ten feet of the outside boundary may be removed.

8.4 Cutting of dead trees require verbal approval.

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

8.6 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.

9 Colors of Paints and Roofs

9.0 The color of paint chosen for the exterior of a home (body, trim, shutters, doors, exposed wood beams, etc.) and the color of the roof must be in harmony with the surrounding community. Manufacturers' samples can be used for permit applications. The ACC reserves the right to require an actual sample brush out on the material to be painted if community harmony is in question.

10 Propane Tanks – Propane Tanks shall be screened from view by landscaping or approved fencing.

11 Fences – All fences must be approved by the ACC prior to installation.

11.0 See Fence Policy in Section 2.2.6.

12 Driveways – See Driveway Policy in Section 2.2.9.

13 Contractor Parking

13.0 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.

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

14 Roads

14.0 Builder/Owner must avoid road damage caused by construction machinery (dump trucks, backhoes, concrete trucks, dumpsters, material delivery trucks, etc.). Any road damage must immediately be reported to the Community Manager. Any road damage must be repaired to the approval of the Cape POA. If damage is more than the refundable deposit, the adjusted amount is due in 10 days.

14.1 Some methods to prevent road damage include matting of the road at the construction site at the point where the road meets the site, trucks with reduced load limits and egress directly to and from the job site, building a dedicated construction driveway using backfill of tightly packed dirt and gravel to support the weight of the aforementioned vehicles. Contractors must develop a method to turn around on the construction site as turning is prohibited due to the damage it causes. Other regulations may apply after review of the site.

15 Gate Procedures

15.0 A list of all subcontractors and workers is to be submitted to the Community Manager who will furnish to the gate and retain list in the project file folder.

15.1 The list shall be kept updated as the project progresses. The General Contractor's phone numbers shall be listed for verification and/or changes.

15.2 Each worker is required to stop at the Gatehouse upon entrance to the Cape to get a construction pass. Only daily passes are issued. Frequently sub-contractors cannot speak enough English to identify the project where they are scheduled to work. Be sure to give written instructions for the admission of any worker(s) who are to be allowed entrance or

notify the Gate Attendant to expect these workers. If there is no notification they will be turned away.

- 15.3 A list of suppliers normally used is to be submitted to the Community Manager.
- 15.4 Notification to the Gate Attendant of expected deliveries will assure that approved materials or services are not detained.
- 15.5 All deliveries in vehicles larger than a pick-up truck (dump trucks, 18-wheelers, etc.) are required to provide a copy of the delivery ticket at the Gatehouse. That ticket shall include the location of the project, name of the Property Owner, and brief description of the material being delivered.

16 Project Completion

- 16.0 The Property Owner will notify the Community Manager when construction is complete.
- 16.1 The Community Manager will send the Final Inspection form to the appropriate ACC member to conduct the final inspection of the project.
- 16.2 Project Completion shall include the following:
 - 16.2.1 Removal of the following items:
 - 16.2.1.1 Temporary Power Pole
 - 16.2.1.2 Portable Toilets
 - 16.2.1.3 Construction Fence
 - 16.2.1.4 Trash Receptacle
 - 16.2.1.5 All Building Materials, Construction Tools, and Scraps
 - 16.2.1.6 Construction Vehicles including trailers
 - 16.2.1.7 Dead Trees and Branches
 - 16.2.1.8 Piles of Fill Dirt and Brush
 - 16.2.1.9 Removal of Contractor's Advertising Sign
- 16.3 If final inspection finds all completion requirements are met (and dry-in date was previously met), the Community Manager will release the deposit to the Property Owner. It is the Property Owner's responsibility to request the deposit. Sixty days after the project completion date, any unclaimed funds will be transferred to the General Fund of the POA.
- 16.4 If all completion requirements are not met, Property Owner will be notified of incomplete items.

- 16.5 In the event that damage has occurred and is not corrected by the Property Owner or Contractor, the deposit will be retained to repair the damage. Property Owner will be billed for any amount exceeding the deposit required to repair the damage.

17 Red Tag Definitions

- 17.0 There are two types of Red Tag procedures, either can be utilized at the discretion of the 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.
- 17.1 Violations and deviations from approved plans and procedures that could be red tagged include:
 - 17.1.1 Violations of any Deed Restrictions
 - 17.1.2 Violations of any CIM Procedures
 - 17.1.3 Any change from approved plans
 - 17.1.4 Changes to approved colors of paints/roofs or materials of construction
 - 17.1.5 Changes to approved sizes or locations of structures
 - 17.1.6 Beginning construction without a portable toilet or misplacement of a portable toilet
 - 17.1.7 Conducting construction without a posted valid permit
 - 17.1.8 Failing to remove construction signs or advertising signs when portable toilet is removed and/or construction is complete
 - 17.1.9 Failing to have an approved trash container
 - 17.1.10 Failing to maintain a “well-kept” site relating to trash and building materials
 - 17.1.11 Failing to have an orange construction fence properly in place
 - 17.1.12 Contractors failing to return gate passes at the end of the workday

18 Red Tag Procedures

- 18.0 Obvious Violations
 - 18.0.1 Violation is reported to Community Manager
 - 18.0.2 Community Manager requests appropriate ACC member to view violation and advise.
 - 18.0.3 Red tag is placed at the construction site which stops all construction until violation is resolved.

- 18.0.4 Community Manager attempts to contact Property Owner verbally and provides a notice in writing to the Property Owner stating the violation.
- 18.1 Apparent Violations – Requiring more information
 - 18.1.1 Violations are reported to Community Manager
 - 18.1.2 Community Manager requests appropriate ACC member to view violation and advise.
 - 18.1.3 Community Manager will attempt to contact Property Owner verbally and provide a notice in writing to the Property Owner 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.
 - 18.1.4 When a red tag is placed, work must immediately stop until the violation is resolved and the ACC has approved the continuation of construction.
 - 18.1.5 When the Community Manager is notified by the Property Owner that the deviation has been corrected and the total fine has been paid, the red tag is removed, and all ACC members are notified.
 - 18.1.6 If the Property Owner wants to contest the red tag, the fines must be paid and then an appeal can be made to the full ACC.
- 19 Fines – The Cape Royale Property Owners Association’s VIOLATION AND FINE POLICY defines TIER 2 VIOLATIONS as architectural control violations and sets forth a procedure and fines for such violations. Notwithstanding the foregoing, depending on the severity of the violation, the ACC has the authority to implement the procedures and fines set forth below:
 - 19.0 A fine of \$100 is levied for the first Red Tag violation, \$200 for the second and continue to double for any given project and must be paid before construction can be resumed. If any type of work, other than to correct the deviation(s), continues after a Red Tag has been placed, an additional fine of \$200 per day will be levied. If the Property Owner wants to contest a Red Tag, the fine(s) must be paid and then an appeal can be made to the full ACC.
 - 19.1 Failure to meet dry-in date.
 - 19.1.1 Forfeiture of entire refundable deposit and fine is assessed at \$100.00 for the first month and increasing in \$100.00 increments every month thereafter until the project is dried in.
 - 19.1.2 Property Owner can request a maximum of two 30-day extensions from the ACC. Request for the first extension must be within three weeks before the original dry-

in date for approval and the second extension request must be within three weeks of the expiration of the first extension. Approval may or may not be granted. Special exceptions may be granted due to material shortages or significant weather delays.

19.2 Failure to Meet Completion Date (Major and Small Projects)

- 19.2.1 Forfeiture of entire refundable deposit and fine is assessed at \$100.00 for the first month and increasing in \$100.00 increments every month thereafter until project is complete.
- 19.2.2 Property Owner can request a maximum of two 30-day extensions from the ACC within three weeks before the original completion date for approval. Approval may or may not be granted. Special exceptions may be granted for material delays or significant weather delays.
- 19.2.3 Should a rejected proposed color be utilized to paint the home, a penalty of \$300.00 for the first month, and then \$300.00 weekly will be assessed for every month of non-compliance.
- 19.2.4 Contractors may post one advertising sign after the permit has been issued, the portable toilet and orange fence are in place. Premature posting of a sign will result in a \$100.00 per day penalty.
- 19.2.5 All construction signs must be removed once construction is completed. If the portable toilet is removed, the sign must be removed. If the sign remains, the site will be red tagged and in addition to the Red Tag Fine, a fine of \$100.00 per day will be levied until the sign is removed.
- 19.2.6 Violation of Contractor Parking rules will result in a Red Tag and/or Deed Restriction violation letter and a fine of \$100.00 per day per vehicle and each future occurrence is double the amount of the previous fine.

20 State Legislation

- 20.0 Rainwater Harvesting System – Permitted if system meets all deed restrictions, the size, type, shielding of, and materials used in the construction and/or installation of the device(s). If located on side of house or visible from the street, another lot or common area, system must be approved by ACC. Chapter 202 of the Texas Property Code Section 202.007 shall govern.
- 20.1 Solar Panels – Installation must be approved by the ACC, and must be located on the owner’s roof (on home or other allowed structure) or in owner’s fenced yard or patio. If

mounted on the roof, system cannot be extended beyond the roofline, have an edge that is not parallel to the roofline, must conform to the slop of the roof and cannot be located in an area other than as designated by ACC. System cannot have a frame, support bracket or visible piping or wiring that is not a silver, bronze or black tone commonly available in the market place, be taller than the fence line or installed in a manner that voids material warranties. Chapter 202 of the Texas Property Code Section 202.010 shall govern.

- 20.2 Storm Shingles – The shingles will be allowed, as long as they resemble other approved shingles in the subdivision, are more durable or of better quality than “normal” shingles, and they match the aesthetics of the property surrounding the owner’s property. Type must be approved by ACC. Chapter 202 of the Texas Property Code Section 202.011 shall govern.
- 20.3 Flags – Installation must be approved by ACC and meet these requirements:
- 20.3.1 U.S. and Texas flags to be displayed in accordance with the US/Texas flag code.
 - 20.3.2 A flagpole (freestanding or attached to a dwelling) is to be constructed of permanent, long-lasting materials, with an appropriate finish that is harmonious with the dwelling.
 - 20.3.3 The display must comply with all applicable zoning ordinances, easements, and setback requirements.
 - 20.3.4 The flag and flagpole must be maintained in good condition and any deteriorated flag or structurally unsafe flagpole must be repaired, replaced, or removed.
 - 20.3.5 The size, number and location of flagpoles displayed: by regulation property owner is allowed a minimum of at least one flagpole per property that is not more than 20 feet in height.
 - 20.3.6 ACC can regulate the size of a flag; the size location and intensity of any lights used to illuminate a flag, and place reasonable restrictions on noise caused by an external halyard (hoisting rope) or flagpole; and prohibit owners locating flags or flagpoles on common areas or common elements. Chapter 202 of the Texas Property Code 202.012 shall govern.
- 20.4 Religious Display – Property Owners are allowed to display ACC approved religious items on the front door or doorframe, with certain permissible limitations. The religious display may not contain language or graphics patently offensive to a passerby, be larger than 25 cumulative square inches in size or use a material or color for an entry door that is prohibited by the governing documents. POAs have the right to “self-help” under this law, i.e., they may remove an item that violates deed restrictions, provided the deed

restrictions don't conflict with this statute. Chapter 202 of the Texas Property Code 202.018 shall govern.

21 Notice to Property Owners – For Information Only

21.0 The POA, ACC, or their representatives do not accept any liability for the structural design and/or construction of any portion of your residence.

21.0.1 Past soil 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 soil test be conducted on your building site. The soil test(s) report should then be submitted to your Architect/Designer or Structural Engineer to aid in structure design of the building foundation.

MAJOR PROJECT PLAN REVIEW APPLICATION

A Major Project is one that includes residential construction, new home, new garage, room additions to home or garage, new bulkheads, boathouses, piers, docks, swimming pools and well installation.

Please review the Construction Information Manual (CIM) which can be found at www.ciragnet.com, documents and forms, architectural control.

Complete the required information below. Once completed, return to the Community Manager at caproyal@CIRAMAIL.com. You will receive acknowledgment from the Community Manager within 24 hours (one business day).

You will be invoiced for your review fee, deposits and other fees required based on your project.

.....

Property Owner Name: _____

Cape Royale 911 Address: _____

Property Owner Phone: _____ Email: _____

Legal ID Section/Block/Lot(s): _____

Contractor: _____ Phone: _____

Project Start Date: _____ Project End Date: _____

Provide detailed description of modifications including exterior materials and color scheme to be used:

If your site is sloped such that water from your site will drain to an adjacent property, describe how water runoff will be controlled (attach additional information as necessary):

____ Attach survey showing set-back lines, utility, drainage, access easements, and where the project will be located on the property.

____ Attach paint samples, pictures of materials to be used, and a drawing/picture depicting what the finished project will look like.

____ Bulkhead/Boathouse/Piers – Attach required TRA and/or Corp of Engineer permit for project.

____ New Structures/Additions/Driveways – Attached required Cape Royale Utility District Approval

____ Removal of Line Trees – If live tree removal is required, trees must be marked for review by the ACC prior to removal. Make arrangements with Community Manager for this inspection to take place.

.....

I certify that all information submitted is accurate and that I, and my contractor, have read and understand the terms and conditions of the CIM. I am assuring that all activities associated with this project will comply with the CIM and deed restrictions for the section in which this property is located.

Property Owner

Date

.....

OFFICE USE ONLY

____ All Association assessments fees, boat slip fees, trailer storage fees, ACC fees, as applicable are paid and current.

Date Received by Community Manager _____

Community Manager

SMALL PROJECT PLAN REVIEW APPLICATION

A Small Project is one that includes addition of footprint to existing home sites such as decks, carports, storage buildings, gazebos; concrete or asphalt drives, walks, patios, bulkhead caps, bulkhead replacement, fences; hot tubs and/or spas, hardscaping, changes in color or material on exterior of structure.

Please review the Construction Information Manual (CIM) which can be found at www.ciranet.com, documents and forms, architectural control.

Complete the required information below. Once completed, return to the Community Manager at caproyal@CIRAMAIL.com. You will receive acknowledgment from the Community Manager within 24 hours (one business day).

.....

Property Owner Name: _____

Cape Royale 911 Address: _____

Property Owner Phone: _____ Email: _____

Legal ID Section/Block/Lot(s): _____

Contractor: _____ Phone: _____

Project Start Date: _____ Project End Date: _____

Provide detailed description of modifications including exterior materials and color scheme to be used:

If your site is sloped such that water from your site will drain to an adjacent property, describe how water runoff will be controlled (attach additional information as necessary):

Maintenance/Repair Permit Application

A Maintenance/Repair Project is required for all outside maintenance or repair activity, such as painting, re-roofing, siding or wood replacement – all in like kind; same color, same material, same footprint. Any work involving a change in structure footprint or change in color or material requires a small or major project permit application Please refer to the Construction Information Manual (CIM) which can be found at www.ciranet.com, documents and forms, architectural control.

Complete the required information below. Once completed, return to the Community Manager at caproyal@CIRAMAIL.com. You will receive acknowledgment from the Community Manager within 24 hours (one business day).

There is no plan review fee for this permit. A truck fee of \$35.00 is charged for any deliveries to your property in a vehicle larger than a pickup truck with a trailer. The delivery vehicle is required to leave a delivery ticket with the Gate. You will be invoiced by the POA via these tickets. Owners are responsible for repairing any damage to roads and/or Cape property, cleanup costs and any applicable fines.

.....

Property Owner Name: _____

Cape Royale 911 Address: _____

Property Owner Phone: _____ Email: _____

Legal ID Section/Block/Lot(s): _____

Contractor: _____ Phone: _____

Project Start Date: _____ Project End Date: _____

Provide detailed description of modifications including exterior materials and color scheme to be used:

I certify that all information submitted is accurate and that I, and my contractor, have read and understand the terms and conditions of the CIM. I am assuring that all activities associated with this project will comply with the CIM and deed restrictions for the section in which this property is located.

Property Owner

Date

.....

OFFICE USE ONLY

___ All Association assessments fees, boat slip fees, trailer storage fees, ACC fees, as applicable are paid and current.

Date Received by Community Manager _____

Community Manager

Road Maintenance Fee Calculation Worksheet							
MAJOR PROJECTS AND SPEC HOMES							
Description					Fee	Footage	Total
Residential construction -					\$3.00	per sq. ft.	
Based on total floor space in the proposed project - including garages and home/room additions							
Porches, Decks, etc.					\$ 1.00	per sq. ft.	
New Bulkheads/Retaining Walls					\$ 4.00	per linear foot	
New boathouses, piers & docks					\$ 1.00	per sq. ft.	
Well installation (not including well house)					\$ 240.00	set fee	
Swimming Pools					\$ 1.50	per sq. ft.	
					Total Major/Spec Home Project Fee:		
SMALL PROJECTS							
Addition to foot print of existing home including decks, carports, storage buildings, gazebos					\$ 1.00	per sq. ft.	
Concrete, asphalt or stone drives, walks, patios, driveway culverts, solar panels, bulkhead caps					\$ 35.00	per truck*	
Bulkhead replacement					\$ 4.00	per linear foot	
Exterior siding, fences, roofs					\$ 75.00	set fee	
					Total Small Project Fee:		
MAINTENANCE PROJECTS							
A truck fee of \$35.00 may be applicable. Truck fee is charged for any deliveries to the Cape larger than a pickup truck.							
(*) For all material deliveries 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.							

Construction Project Fee Worksheet

1. ACC Plan Review Fee – Non-Refundable (check one)

_____ \$25.00 Small Project

_____ \$50.00 Major Project

_____ \$250.00 Spec Home Project

2. Road Maintenance Fee- Use Fee Calculation Worksheet

\$. _____ Non-Refundable

3. Protection Deposit – Refunded after final inspection of project. Funds will be retained for damage to roads, ditches, and adjacent property; or any other violations occurring during the project.

\$250.00 – Small Project – Requires work to be executed using equipment the size of a pickup truck or smaller (delivery or materials included)

\$500.00 – Small Project – Requires work to be executed using trucks and/or heavy equipment larger than a pickup truck (delivery of materials included)

\$1000.00 – Major Project

Spec Home Project – Deposit equal to 5 times the road maintenance fee calculated in #2 above: \$ _____

4. Cape Royale Assessment Fees, Boat Slip Rental, and Trailer Shortage Rental must be current prior to plan approval.

Fees Paid -or- Amount Dues \$ _____

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ACC Approval Date: _____ Property Owner: _____

Project Address: _____ Legal Section/Block/Lot: _____

Payment Total: #1 _____ #2 _____ #3 _____ #4 _____ = Total Payments: \$ _____

Check Submitted By: _____ Check # _____

Final Inspection Date: _____ Refund Amount Due: \$ _____

ACC Inspection Process

Pre-Permit Inspections

1. Site Inspections
 - a. Stake the location of the surveyor's corner pins and flag for ACC inspection.
 - b. Mark the footprint of the structure for ACC inspection.

Project Inspections

1. Periodic inspections made at the discretion of the ACC to ensure compliance with all requirements as stated in the CIM and section deed restrictions.

Final Inspections

1. The ACC will make a final inspection of the exterior conditions of the project at the completion to ensure compliance with the application as submitted, section deed restrictions, and the Construction Information Manual

Other Inspections

1. Inspections required by other entities such as Cape Royale Utility District, Trinity River Authority, or any other authorities are the responsibility of the Property Owner.

By signing below, Property Owner authorizes the ACC or its agent(s) to enter upon and inspect the property and exterior of the structure thereon during regular business hours to ascertain whether said property and exterior of the structure thereon comply with deed restrictions, approved plans and specifications, and the Construction Information Manual. Neither the ACC nor its agent(s) shall be deemed to have committed a trespass by reason of such entry or inspection.

The Property Owner agrees and understands that approval of plans and specifications by the ACC shall not be relied upon by any person or entity as to the sufficiency, suitability, fitness, workmanship or quality of the design or construction of the improvements. The ACC's only objective is to determine compliance with the applicable deed restrictions and the Construction Information Manual.

Neither the ACC, the Cape Royale Property Owners Association, nor any of their respective members, officers and/or directors shall be liable because of the approval and/or non-approval of any improvement.

Property Owner

Date