

June 2017

**PADRE ISLES PROPERTY OWNERS ASSOCIATION, INC. ARCHITECTURAL  
CONTROL COMMITTEE  
POLICY AND PROCEDURES GUIDE AND CONSTRUCTION STANDARDS**

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## I. Architectural Control Committee (ACC)

### A. Purpose

The ACC is charged with the preservation of the values and of the aesthetic character of the community. The ACC functions by reviewing plans and specifications for proposed external property modifications or new construction to assure compliance with the Architectural Covenants and the maintenance of a quality community. **The Covenants, which are filed as part of our Deed, legally require that the homeowner obtain ACC approval for new structures, or exterior additions or changes, before they are started.** The ACC with Association Board approval may adopt and promulgate reasonable rules and regulations establishing criteria with respect to the administration, interpretation and enforcement of the provisions of the Covenants. The ACC, in addition, reviews

### B. Authority

complaints by individual property owners to determine if Covenants have been violated.

The ACC is responsible for reviewing all plans and specifications of structures and improvements to be constructed in all Padre Isles subdivisions. This authority is set forth in Protective Covenants and Landowner's Agreements filed of record for each subdivision. Each of these Covenants states:

***No building, structure or improvement of any nature shall be erected, placed or altered on any tract until the construction plans and specifications and a plan showing the location of any building, structure, or improvement have been approved by the Committee as to the quality of workmanship and materials, harmony of exterior design and existing structures, and as to location with respect to topography and finish grade elevation; meeting all standards set forth in this instrument. In addition, no substantial changes in the originally approved finish grade elevation of any tract may be made without the prior written approval of the Committee.***

The ACC may establish rulings to define such terms as quality of workmanship and materials, harmony of exterior design and location. This is a necessary authority and function of the ACC. Examples include, but are not limited to, rules for the design, composition, and location of such things as fencing and storage sheds, materials for siding of new homes, etc. Note, however, that review and subsequent approval does NOT constitute any contractual or implied responsibility, or liability by the ACC or the Padre Isles Property Owners Association (POA), as to guaranty of function or adequacy of design of finished project, but does, however, place responsibility on the owner of property to comply with existing standards and codes. Therefore, an ACC representative will periodically inspect projects during construction and if violations or variances are found, the ACC reserves the right to seek remedy by recommendation, reprimand, written notice, or legal actions, which may include fines.

### C. Composition of the ACC

1. The ACC is composed of five members appointed by a majority of the POA Board of Directors. The ACC shall function under the policies established and direction given by the Board, so long as these policies and directions are not in conflict with covenant provisions.
2. Terms of office shall be three years. A member shall not serve more than two terms, consecutive or otherwise.
3. Vacancies will be filled by the Board by majority vote.
4. The Chairperson is appointed by the Board for a one-year term.
5. Members may be removed with or without cause by majority vote of the Board.

6. Members or designated representatives shall NOT be entitled to or accept compensation for services provided.
7. Board members shall NOT also serve as ACC members.
8. A majority of the ACC may designate or remove a representative to act for it, subject to confirmation by the Board.
9. Consultants, advisors, inspectors, or any individual performing services required by the ACC mission shall be appointed by the Board. The ACC may recommend individuals to perform such services to the Board.

**D. ACC Meetings:**

The ACC will meet as necessary at the POA office. Public input and grievances will be scheduled through the POA office. Discussions and decisions of the Committee will normally take place in closed session. Guests will therefore be expected to leave the meeting after public input has been completed. Individuals asking for a decision on an issue will normally be contacted by the Executive Coordinator the following day concerning the decision of the Committee.

**II. Application and Fees**

**A. All projects require ACC approval and permits except the following**

Electrical/mechanical/plumbing modifications, outdoor recreational equipment/furniture or other portable equipment, pet housing/play houses/storage buildings less than 200 cubic feet in volume, and interior modifications that do not alter framing integrity.

**B. Application**

1. Final plans and specifications for new homes and other projects shall be submitted to the ACC at the POA Office for approval prior to beginning any construction. The POA Office will provide a form to be completed by the applicant and attached to the plans. The POA Office will retain a copy of the plans at least until the project has been completed satisfactorily.
2. Plans for new homes shall contain at least the following:
  - a. Specifications sheet and original engineer's stamp.
  - b. Building site with complete legal description and City address, showing building lines, easements, driveway, outbuilding, sidewalks, and, if proposed, patios, fencing, and swimming pools.
  - c. Floors, showing square footage of living areas, garages, breezeways, etc.
  - d. Exterior elevations (four directions), showing composition of walls, window and door locations, chimney, wing walls, and roof configurations.
  - e. Foundation, covering all concrete work to be done on this site.
  - f. Joist framing and (if used) truss design.
  - g. Roof sections, showing materials used in each.
  - h. A runoff drainage plan is required for all new construction and major additions, repair/replacement of previously approved structures and concrete flatwork. Details of method and materials to be used for runoff will be given. All runoff water shall be contained upon the plotted site and flow from the rear property line to the street drainage easement on water access lots. Runoff on water lots may be collected and flow over the bulkhead or to the street drainage easement. No water shall be allowed to flow onto adjoining lots.
3. Plans for major additions to existing homes must follow the requirements for new homes.
4. Plans for other projects (such as fencing, sheds, covers, decks and docks, pools, and minor additions to an existing home) not included on a new home plan shall include a drawing of the building site clearly showing the location of the proposed project on the property, exterior elevations (all sides), composition of materials as required, and all dimensions. Engineering stamps may be required.

### **C. Fee Structure For Architectural Control Committee**

This Fee Structure is provided pursuant to Article 2, Section C of the Padre Isles Property Owners Association, Inc. Architectural Control Committee Policy and Procedures Guide in Construction Standards.

1. New Homes. The non-refundable fee to be submitted with home plans for each new home is \$100.00 plus an additional project fee of \$50.00, if applicable. The fee must be submitted with the plans prior to the commencement of construction. This fee covers the cost of the periodic inspections for compliance with the Covenants and the Construction Standards.
2. Other Construction Projects. The non-refundable fee to be submitted with project plans for pools, docks, decks, shade structures, retaining walls and similar items is \$50.00. The fee must be submitted with the plans prior to the commencement of construction. This fee covers the cost of the periodic inspections for compliance with the Covenants and the Construction Standards.
3. Refundable Deposit for Clean Up. In addition to the non-refundable fees required, a refundable fee in the amount of \$500.00 will be required with each set of plans for a new home or \$350.00 major improvements in order to assure a clean construction site. These funds will be held until completion of the project. The POA reserves the right to assess charges against this deposit for any costs incurred by the POA in maintaining a clean project site.
4. Additional Charges for Late Submissions or other violations. In the event that construction work has commenced prior to the submission of any plans to the ACC for approval, the non-refundable filing fee shall be two times the amount of the normal charge. This additional charge is made in order to defray the cost of the POA in inspecting the site after construction already has commenced in order to evaluate compliance with the applicable Covenants and Construction Standards. Other violations may include such items as: approved plans not matching the "as built"; and exceeding height regulations.
5. Deposit Required for Multiple Violations. In the event a builder, contractor or owner fails to submit plans and the required fees on projects prior to the commencement of construction more than three times in any 12-month period, the violator will be required to post a \$2,500.00 refundable deposit. This amount shall be in addition to the increased fees required for the project as provided above. The purpose of this refundable deposit shall be to assure the compliance with the Covenants and the Construction Standards in the future. In the event that the person does not have any further violations in the 12 months following posting the deposit, the \$2,500 deposit shall be returned.
6. No Interest. No interest shall accrue or be paid on any funds received as a refundable deposit, and the POA will hold such funds without bond or any requirement of escrow. Upon compliance with the terms required above, the deposit will be refunded.

### **D. Starting Date of Construction:**

Construction must begin within three (3) months after the approval of the plans by the Committee. Completion of such improvements must not take more than nine (9) months from the start of construction for single-family homes and lesser projects, and eighteen (18) months for multiple-family homes.

## **III. Review and Grievance Procedures**

### **A. ACC Review Process**

1. All applications and plans for proposed projects will first be reviewed by one or more of the POA Office staff, including the Executive Coordinator, Compliance Inspector, and the secretaries, to ensure that the application forms are filled out properly and the plans are complete and legible. Discrepancies will be brought to the attention of the applicant before making them available to the ACC for review.

2. ACC members will provide a final review of applications and plans for proposed projects. Upon review the member will indicate on the application form whether the application is approved or disapproved. The form will then be signed and dated by the member and will include a note or attached copy of the page from the guidelines highlighted to indicate why the project is being turned down.
3. When a non-conforming structure exists on a property, no new permit will be issued for another project until any non-conforming structure is corrected.
4. Applications needing additional information will have that information available before continuing the review process. When the additional information is obtained, either the initial reviewer or another AC member may approve or disapprove the application.
5. A letter will be sent to applicant for applications that are disapproved and will include the reason for the disapproval.
6. It is important to note that variance requests to ACC rulings will be granted only if sufficient reason exists to do so. It is incumbent on the applicant to show sufficient reason to grant the variance. In the absence of sufficient reason, the variance request must be denied. These requests may be denied by a single ACC member, but may only be granted by a majority vote of the existing members. The variance approval must be in writing with the reason given for the approval, and must contain the signatures of the majority of the members who approve.
7. Normally, applications will be reviewed by the ACC within five working days of submission. If an application fails to be approved or disapproved within 30 days after submission, then approval is implied (providing plans and fees for the project have been properly submitted).
8. It is the responsibility of the Executive Coordinator to develop a procedure to notify applicants of the result of a review.

#### **B. Grievance Process for Property Owners**

A property owner who disagrees with an ACC decision will first appeal to the ACC for reconsideration, presenting reasons for the appeal. Following reconsideration by the ACC, a property owner who disagrees with the ACC decision may appeal to the Board for review. The ACC will also be provided an opportunity to present its side of the issue. The decision of the Board shall be controlling.

#### **IV. Definitions**

A **lot** is a building site.

A **corner lot** is a building site with the front and a side each abutting a street.

A **canal lot** is a lot abutting a waterway.

A **patio lot** is a canal lot with the rear property line extending beyond the bulkhead (normally 50'). All canal lots in Commodore's Cove, Ports O'Call (Blocks 3 & 4 only), and Point Tesoro (except Blocks 1 & 20) are designated patio lots

A **garden lot** is a canal lot with the rear property line abutting the bulkhead.

A **water access lot** (also referred to as **interior lot**) is a lot not abutting a waterway.

A **canal** is a bulk-headed waterway.

A **bulkhead** is a retaining structure installed for maintaining shore/canal protection.

A **bulkhead cap** is the 18 inch wide concrete strip perpendicular to the bulkhead wall.

A **restricted building area** is the area of land on a garden lot bounded by the side property lines, the bulkhead, and a line parallel to, and 15' from, the bulkhead toward the abutting street.

A **water building area** (patio lots only) is the portion of a canal on which structures may be built over water (normally 25' from the bulkhead).

A **mooring area** is that portion of the canal of a garden lot to be used to facilitate the mooring of watercraft.

A **navigation channel** is that portion of a canal not included within water building areas and Mooring areas. No obstructions are permitted in any navigational channel.

## V. ACC Construction Guidelines

In addition to specific rulings, all structures must comply with City of Corpus Christi Building Codes, and Texas State Board of Insurance *Windstorm Resistant Construction Guide*.

**No structure of any kind** will be built on, rest on, or be attached to the bulkhead cap. There must be at least 24 inches of space on the land side and 36 inches of space above the cap available for bulkhead and cap repairs or inspections.

### A. Board Approval

All new ACC rulings must first be approved by the Board of Directors before implementation is complete.

### B. Existing Structures

It is understood that at the time a new ruling is implemented, some existing structures may not conform to that ruling. When such cases exist, the ACC will determine whether or not it is feasible, practical, and/or necessary that these structures be modified or removed to conform to the new ruling. **There is no automatic grandfather clause.**

1. In the event that the Members, by a majority vote, determine that existing structures should conform to the new ruling, the Executive Coordinator, (with the assistance of the ACC) will first attempt to have the homeowners voluntarily modify or remove the structures. Should this attempt fail, the ACC may elect to ignore the existence of the structures and will then notify the Board of such action, or solicit input from the Board concerning possible legal or other action.
2. In those cases where the ACC determines that modification or removal of existing structures is not considered feasible, practical, or necessary, the ACC will notify the Board of its decision. The Board may accept or overrule the decision.
3. **The existence of structures that do not conform to ACC rulings is not to be used by homeowners or builders as evidence that such structures are permissible.** It is essential that homeowners and/or builders submit applications for new homes and remodel projects and have them reviewed prior to beginning any construction in order to avoid conflicts with current rulings.

### C. New Homes

1. **Design repetitions for single-family homes:** No two single family units of substantially identical external design features will be permitted within a 1000-foot radius of each other. Homes within this 1000-foot radius with similar floor plans must have several distinctive external design features to include, but not necessarily limited to: roof type/pitch, roofing material (metal, composition, tile), window/door placement and design, and/or siding material (brick or stucco). It is incumbent upon each builder/owner to insure that new construction does not duplicate any existing or planned single-family home within 1000 feet in all directions. Builders/owners should first view the homes in the vicinity of the site to ensure repetition will not occur.
2. Design repetitions for multi-family homes: The ACC makes no specific rulings for design repetitions of multi-family homes. Identical or essentially identical designs that are planned to be built and located in such a way that they present to the casual observer the idea that the units are a part of a single large unit will be permitted. Plans to merely place two or more identical units near or in the general vicinity of one another may give the impression of tract housing, which is to be avoided and which will not be approved.
3. Prohibited designs: Plans for construction of log cabins, earth-sheltered homes, geodomes, A frames, A Pod foundation homes and those constructed on aboveground stilt pilings, metal buildings, and most pre-fabricated homes will NOT be approved by the ACC.
4. **Roof pitch** (housing four families or less): Unless the roof has a flat pitch, the major (largest) portion of the roof must have a pitch of at least 5/12 (5 inches vertical for each 12 inches horizontal).

5. Color of roof and siding: Housing units of four families or less within 100 feet of each other will have significantly different colored roofs and siding. A variance will be considered when the builder intends for the homes to appear as a part of a larger unit, such as town homes. Single family dwellings will not be granted a variance.
6. Exterior siding materials (housing four families or less): At least two-thirds (2/3) of the exterior siding must be either brick or stucco or approved concrete products.
7. Garage: Single-family homes must have a garage with *interior* dimensions of at least 18 feet by 18 feet.
9. Minimum floor areas (square footage): Requirements vary from one subdivision to another, and are subject to change. Applicants are referred to the POA Office for specifics.
10. Maximum height of home. Applicants are referred to the POA Office for specifics.
11. General design/appearance: The ACC may disapprove any new home application that, in the opinion of a majority of the Committee members, contains a design that is incongruous to the architectural harmony of the subdivision.
12. Construction litter control
  - a. A trash container to hold all construction and other refuse will be maintained on site during all phases of construction.
  - b. Silt fences will be required in accordance with City codes.
  - c. Cleanup will be performed on each construction site and surrounding property as frequently as necessary to prevent blowing trash.
  - d. A portable toilet facility will be maintained on all construction sites.
  - e. Trash will be prevented from falling or blowing into canals at all times.
  - f. All loose construction materials will be secured well in advance of threatening tropical storms or hurricanes. Scaffolding boards, roofing tiles, loose lumber, etc., will be removed from the site in advance of storms or placed inside structure to prevent flying object damage to nearby homes.
  - g. Dumping of raw concrete and cleaning of concrete delivery trucks must be done only on active building site, not other property.**
13. Bulkheads, tiebacks, and deadmen will be inspected by a POA Inspector when a structure is planned for construction over or near the bulkhead or over the restrictive building line.

#### **D. Commercial Property**

The City of Corpus Christi has established regulations on landscaping, entrances and signage for commercial properties on Park Road 22. It will not be the responsibility of the ACC to determine that the commercial structure meets Overlay requirements.

#### **E. Fencing Standards**

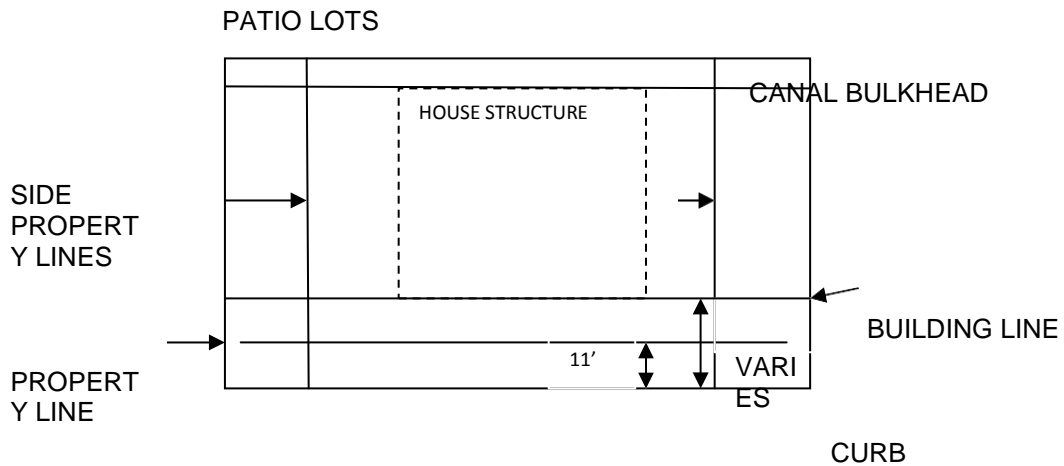
##### **1. Definitions:**

- **Fencing** : An enclosing structure that includes all fences and walls as described below. Fencing is usually placed so as to separate adjoining properties or to separate one portion of a property from another portion for the purpose of definition, security, or privacy. **No fence or wall will be higher than six feet from ground level.** Enclosing structures, less than 8 inches in height, are not considered to be fencing providing they are not attached to anything that is permanently set into ground, such as posts.
- **Fences**: Enclosing structures that are normally made of wood, vinyl, or approved tension wire. See material and construction specifications at paragraph E4.
- **Walls**: Enclosing structures that are made of masonry material such as brick, stone or a stucco finish. Walls should be considered as an extension of the house structure and should conform to design, color and esthetics of the house and neighborhood. See material and construction specifications at paragraph E4.
- **Unauthorized fences**: Hurricane, chain link or any other wire fencing material are not permitted.

**2. General Guidelines:** The guidelines for Patio, Garden and Interior lots are outlined here. Exceptions to these general guidelines are addressed at E3.

**Patio lots**

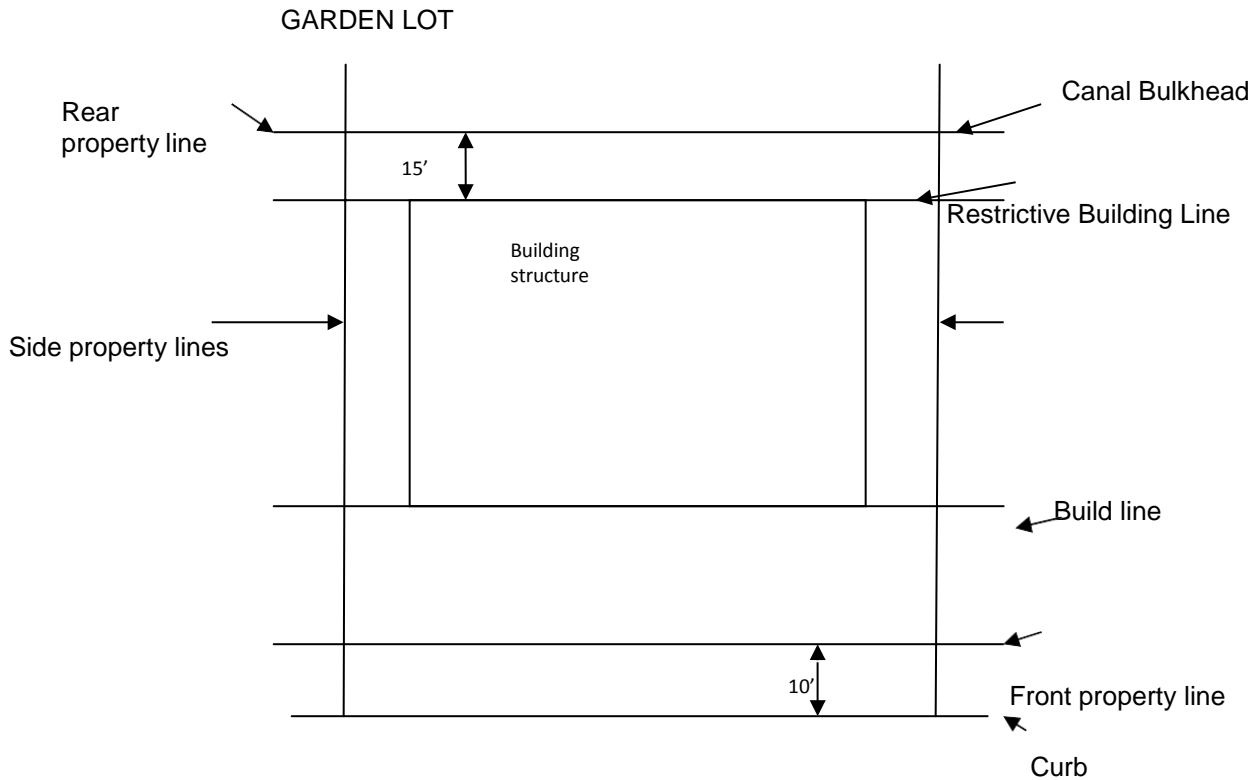
- **Side yards** - Six foot maximum height from waterside face of the bulkhead forward to the front building line and tapered down to three feet from the building line to the property line. No fencing forward of the property line is allowed.
- **Rear yard** – Any fencing will be approved on a case by case basis by the ACC. Three foot fences or gates may be placed between the building and the side fence. These shall not be attached to, touch or extend beyond the bulkhead. These must follow guidelines for all fences and gates.
- **Front yard** – Only walls may be placed anywhere within the area bounded by the front building face, front property line and the side property line. A gate, fence or wall not to exceed the height of side fencing may be placed between the building and side yard fencing.





**Garden lots**

- **Side yards** – Six foot maximum height from waterside face of the bulkhead forward to the front building line and tapered or stepped transition to a three foot height at the front property line. No fencing forward of the front property line.
- **Rear yard** – Fencing with a maximum height of six feet may be placed anywhere within the area bounded by the restrictive building line (15 feet from the bulkhead), rear of building face, and the side property lines. A three foot fence may be placed anywhere in the restrictive building area. The fence should be at least 50% open, with slats or rails no farther than six inches apart. Any fence extending over the bulkhead must be cantilevered at least two inches above the bulkhead.
- **Front yard** – Only walls with a maximum height of six feet are permitted anywhere within the area bounded by the front building face, side property lines, and a line 24 feet from and parallel to the backside of the street curb.



**Water Access lots, Interior lots**

- **Side yards and front yards** – The standards are generally the same as with garden lots.
- **Rear yards** – Fencing with a maximum height of six feet may be placed anywhere in the area bounded by the rear face of the building, the side property lines, and the rear property line.

## Exceptions and special cases

- **Island fairway Estates (block 30)** – Fencing standards for interior lots will apply to these lots, but height is limited to four feet.
- **Corner lots** – Proposed side fencing on the side abutting the street will be considered by the ACC on a case by case basis. The fence may not be approved due to appearance and good taste.
- **Lots with a front and rear yard facing a street** – A few lots on Gypsy and Whitecap face the street in both front and rear. The fencing rules for interior lots generally apply with the following exceptions.  
When the rear yard faces Whitecap, an approved vinyl fence may be installed 11' back from the curb on Whitecap. If an owner does not want to participate in the vinyl fence program, they may use an approved wooden fence, but it has to be on the building line (30' back from the curb of Whitecap). If the front yard faces Whitecap, then no fencing forward of the building line is allowed.
- **Empty lots** – Any fencing on an empty lot will conform to the same standards as if a building had been placed on the lot.
- **POA common areas** – Some areas at the end of the canals are designated as POA property and taxes on these properties are paid for by the POA. No structures, including fencing, are permitted in these areas and no variances will be granted. Contact the Executive Director for exact boundaries on these lots.
- **Mandatory fencing** – Improved (built upon) lots on Blocks 1,20,29, and 30 in Coquina Bay must have a six foot high wood privacy fence along the Sea Pines Drive portion of the property line. The fence must be constructed of treated 1"x6" dog-eared pickets, spaced no more than ¼ inch apart, with pickets fastened to the outside of the framework. The fence is to be continually maintained in a state of good repair.

## Materials and Construction

- **Walls**

**Materials** – Custom walls may consist of masonry products such as brick, stone, concrete, cinder block with stucco or a framed wall with stucco finish.

**Construction** – In the interest of safety, structural integrity and esthetics, use of best practices in construction, materials and applications shall be assured through engineered plans.

**Permitting** – along with detailed plans and materials list, an engineer's certification shall be affixed to the application for permit. Appropriateness in the design, color and sound engineering will be factors taken into consideration toward approval.

- **Fences**

**Material** – Posts, rails, and slats may consist of cedar, redwood, treated wood, vinyl or other material deemed appropriate by the ACC. Applications for use of questionable materials will be put on hold until the next ACC meeting.

**Construction** – Posts must be a minimum of 4" x 4" wood material (treated, cedar, or redwood) set at least 36" in the ground with concrete, and will be no farther than six feet apart.

Top and bottom rails must be a minimum of 2" x 4" wood material (treated, cedar or redwood), triple nailed into posts with #16 galvanized box nails, and properly attached with hurricane straps.

Mid rails, though not required, are recommended and should be fastened in the same manner.

One inch slats or face boards must be double nailed with #6 or larger galvanized nails. Stainless steel screws are acceptable, but must be as long as #6 nails. Thicker slats will require longer nails or screws.

Slats may face out or in on side yard fences, but must face out on front fences or on canals so that the framework is hidden. No permission from the neighbor or the ACC is necessary if you want to place slats on the framework side of a neighbor's fence when it faces your yard.

Gates should be of the same material as the fence with the slats facing out.

Lattice work must be 3/4" thick and have 50% openness.

Vinyl fences – The ACC requires all vinyl fences to be composed of 100% virgin vinyl. Less expensive vinyl is normally composed of up to 80% recycled plastics, and is likely to eventually fade, crack, yellow, and become brittle. Installation procedures should be according to the manufacturer's guidelines, except that posts can be no more than six feet apart and must be set in concrete at least 36" deep.

## F. Storage Shed Standards

**SHEDS** are buildings designed to hold yard tools, boating equipment, work tools, bicycles, etc. They are not meant to house guests or serve as sleeping quarters for anyone.

1. Sheds or containers less than **200 cubic feet in volume** do not require ACC approval. **All other storage sheds must have a permit.**
2. Maximum exterior height must not exceed eight feet. (Seven feet at sides, eight feet at peak)
3. All storage sheds must fit within an exterior area measuring 10 by 10 feet.
4. All storage sheds must be built or installed on concrete flooring (slabs) with a minimum of four-inch thickness.
5. The walls must be bolted to the concrete flooring.
6. Storage sheds may only be built on the back side of the property. They may not be built or installed on decks or docks.
7. Sheds must be built within the building lines for the subdivision. (Check covenant chart for specifics)
8. On waterfront lots, storage sheds may not be placed so that they impair the view of the water by adjacent property owners.
9. Style and exterior color must be complimentary to the existing home on the lot and the homes in the neighborhood. The ACC will determine whether or not the style and color are acceptable.
10. Storage sheds built on site must have a sturdy framework, normally 2 inch by 4 inch lumber. Wood, vinyl, brick, and stucco are acceptable exterior coverings for walls. **Metal of any sort is not an acceptable covering for walls.** Roofs should be covered with acceptable roofing materials to match the house.
11. Prefabricated storage sheds are acceptable, providing the construction materials, style and color are approved by the ACC.

## G. Decks, Docks, and Mooring Facilities

### 1. Definitions

- a. **Deck:** A platform (usually consisting of wood frame, and usually extending over the water area) that has a height exceeding that of the bulkhead. Any railing system, benches, and so forth can not exceed 42" and must be at least 50% open evenly spaced. The closed areas shall not exceed 4 inches in width. No lattice work is allowed. Must have ACC approval in advance.
- b. **Dock:** A platform built over the water area with a height not exceeding that of the bulkhead.
- c. **Mooring facility:** Usually a narrow dock to which a boat can be tied.

### 2. Important notice I

An engineer's certification is required for all new decks, docks, and mooring facilities, or whenever a new piling is required. The certification must accompany the application.

### 3. Important notice II:

When planning to build over canal waters, consider whether or not a vessel will be moored to the structure. No portion of the vessel is to extend into the navigation channel.

### 4. Important notice III: When mooring a vessel, keep in mind that sand is helping to keep the bulkhead in place. Mooring the vessel with the stern facing or near the bulkhead can cause a significant amount of this sand to be removed by the turning of a propeller, creating a potential bulkhead collapse.

### 5. Patio lots:

- a. Include ownership of a portion of the adjacent canal and approved construction is permitted out to the 25' water building line. Structures that are permitted include decks, docks, and mooring facilities.
- b. No portion of any structure in this area may exceed the height of the accompanying home.

### 6. Mooring area lots:

- a. These are usually garden lots. There is no ownership of the adjacent canal.
- b. Mooring areas extend to either a 10- or 15-foot limit, depending on the width of the canal. Homeowners should contact the POA Office for information on the depth of the mooring area for their lots.
- c. Decks are not permitted in these areas, except above boat lifts as noted below under *mooring facilities*.
- d. Docks
  - (1) No portion of any dock may extend beyond the 10- or 15-foot limit established for a particular lot. Homeowners are advised that they are liable for any damage that might be caused by exceeding these limits.
  - (2) No portion of the dock may exceed a height of the bulkhead. Also, no portion of the deck boards should be placed so that they might interfere with repair of the bulkhead cap. This requires that deck boards be placed no closer than 3 inches from any portion of the bulkhead cap. Homeowners who place decking boards too close to the bulkhead will be responsible for the cost of removing them should it be necessary to repair the bulkhead cap. Piling close to the bulkhead cap normally pose no problem since they can be used as a part of the concrete form when repairing bulkhead caps.
  - (3) Docks extending to the stated limits for a lot should not be used for the purpose of

mooring a vessel. The canal waters beyond the mooring area are considered to be the navigation channel.

e. Mooring facilities

- (1) If a vessel is to be moored within the mooring area, no portion of the vessel should extend into the navigation channel. This will normally require that the vessel be moored parallel to the bulkhead, or on a slight angle.
- (2) A mooring facility will usually consist of a narrow dock so that the vessel will not extend into the navigation channel. Pilings may be installed at the 10- or 15-foot limit, with the vessel moored between the bulkhead and the pilings. A narrow walkway may be attached to the outer pilings. No portion of the walkway may extend beyond an established 15-foot limit. For 10-foot limited mooring areas, the pilings may be installed within 10 feet from the bulkhead and a walkway may be attached that is cantilevered to extend 18 inches beyond this limit.
- (3) A mooring facility of a garden lot that includes a boat lift may have a deck or roof built above the lift area. The height of deck or any walking surface may not exceed 12 feet above the bulkhead. A railing on a deck may not exceed 42 inches and must consist of 50% open space. The height of the tallest point of a solid roof over a boat lift may not exceed 15 feet six inches above the bulkhead. An open sided shade structure, sometimes called a pergola, palapa, gazebo or pavilion, may be installed on the deck. This structure must be engineered, must be at least 50% open on the top (No solid roofs, no lattice) and the top may not be accessed by a ladder, stairway or any other method. The entire height of the deck and shade structure combined may not exceed 20 feet.

7. Specifications

- a. **No portion of any structure may be attached to the bulkhead.** When construction is contemplated in the vicinity of a bulkhead, the POA should be contacted to inspect the bulkhead, tiebacks, and the deadman system.
  - b. A five-foot setback (easement) from each side property line must be observed for all overwater structures. No pilings may be installed in these areas, and no portions of any deck, dock, or mooring facility may extend into these areas. An exception is that a portion of a deck may be cantilevered into this area for the purpose of installing steps that lead down to the side yard walkway. This cantilevered portion may have a maximum length (perpendicular to the bulkhead) of 30 inches and may extend a maximum of two feet into the five-foot setback area. This will provide for steps that are a maximum of two feet wide, including a handrail.
  - c. Pilings will consist of treated lumber 6" x 6" or larger, with stringers and decking 2" treated lumber. Use of alternate materials will be considered pending engineer's certification.
  - d. Specifics, such as installation of pilings, width and maximum span of stringers, will be dictated by the engineer's certification report, rather than in this manual. Only stainless steel fasteners will be considered acceptable.
8. Enclosures on docks - Boat barns, boat garages, boat houses and any other enclosure on docks will not be allowed. No new structures may be built. No existing structures may be rebuilt or remodeled to enclose the deck, dock, or lift. All sides and ends must remain open. Any existing structure is not evidence of right to build such an enclosure. A railing no higher than 42' will be allowed on docks. The railing system shall have at least 50% of the railing area open and the closed areas shall not exceed 4 inches in width. No lattice work is allowed.
9. All plans for docks, decks and boat lifts must be engineered, permitted by the POA and by the City. Repairs on any existing deck or dock must be reported to the POA.

**H. Retaining Walls** Lot elevations are meant to slope toward streets and canal waters to facilitate drainage. Homeowners who wish to level portions of their yards will need to install retaining walls to hold back the soil. **A permit is required.**

1. Materials: Retaining walls may consist of concrete or treated lumber.
2. Height: Retaining walls may extend to a maximum height of four feet. Applications for walls

exceeding a height of three feet must be accompanied with an engineer's certification due to the possible need for installation of tiebacks. Homeowners are encouraged, but not required, to seek an engineer's certification for retaining walls of lesser height as well, particularly if they are to be installed near a bulkhead. If a retaining wall higher than 3 feet is installed, a fence or barrier must be installed on top of the wall for safety. **A permit is required for this fence.**

#### **I. Pools**

1. In-ground pools
  - a. The design and size of in-ground pools will be the decision of the homeowner, and not the ACC.
  - b. The location will be a primary concern of the ACC. Pools may be installed in any portion of the property that does not include easements. On garden lots, the location of tiebacks must be considered when placing a pool in the rear yard area. It is likely that a portion of the yard will have to be elevated so that the pool does not extend to the tiebacks. Retaining walls will then be required. The homeowner must also consider fencing, which must not extend to a height more than six feet above the **original slope** of the lot.
  - c. City codes concerning fencing apply.
2. Above-ground pools: No portion of these pools, including any railing, may extend more than six feet above the natural slope of the lot.

**J. Sun Shades** This type of structure comes in all shapes, styles, and sizes, both temporary and permanent. Each subdivision has its own guidelines for height, location and size. It is difficult to set specific standards to cover all instances. Each application will be reviewed on an individual basis.

**Permanent covers:** All such covers are defined as those that meet windstorm codes and are meant to be permanent by the owner. **All shade structures require a permit.**

1. Shade structures must have at least 50% of the flat roof open. No solid roofs are allowed.
2. Shade structures must be engineered to assure windstorm safety (engineer's Original stamp)
3. Posts must be in the ground at least 3 feet and enclosed in concrete.
4. Hurricane straps and fastener sizes should be the same size and quality or better than those required for wood fencing.

**Temporary covers:** Single-poled covers such as umbrellas are acceptable and will not be reviewed by the ACC unless they are considered to be offensive or otherwise extremely bothersome to neighbors. Covers other than single-poled, not meeting windstorm codes, will be considered temporary covers and are expected to remain in place for no longer than four days. The ACC will not usually review temporary covers unless they are visible from the street or canal.

#### **K. Maintenance of Property**

All guidelines regarding the maintenance and appearance of the property are intended to create an appropriate, visually pleasant, and safe property that will provide no reason to devalue any surrounding property or the neighborhood.

1. Homeowners are expected to complete projects in a timely fashion (within 9 months after construction begins) and to maintain all structures on their property in satisfactory condition and appearance so that they neither pose a danger nor create a nuisance to neighbors.
2. No building material of any kind or character shall be placed or stored upon any tract until the owner is ready to commence improvements, and then such material shall be placed within the property lines of the building site upon which the improvements are to be erected and shall not be placed in the streets or between the roadbed and property line.
3. No tract shall be used or maintained as a dumping ground for rubbish or trash.

4. Garbage shall not be kept except in sanitary city provided containers. Such containers shall be kept in a clean and sanitary condition and shall be stored so as not to be seen from a street or canal. Containers may be placed at the curb for pickup no earlier than 7PM on the day before the pickup date, and must be removed from the curb and stored out of view by 7PM of the pickup day. Owners or residents shall make arrangements with a neighbor or rental management company to pull cans out and take them in if they are absent for longer than the 24-hour period.
5. Weeds shall be removed from yards, whether grass, rock, or concrete, on a regular basis. No weeds shall be allowed to grow under or around any parked vehicles or trailers. No grass or weeds in occupied or vacant lots shall grow higher than twelve inches before being mowed. Owners should properly dispose of clippings and weed trimmings to keep the items out of canals and gutters and allow proper operation of storm drains.
6. All shrubbery, plantings, and trees shall be maintained by trimming or pruning as needed. Oleanders and bougainvilleas shall be trimmed as needed to maintain safety in viewing the roadway. All palm trees shall be regularly trimmed of their brown and hanging fronds to maintain a manicured appearance and reduce shelter for rodents and insects. All fronds and trimmings shall be disposed of in a proper manner.
7. As rock yards become older, the plastic barrier begins to show. This is sometimes caused by driving or parking vehicles on the rock area. This should be remedied by adding more rock to the area, or by replacing the rock with another material.
8. The front yard and driveway shall remain clear of sports equipment, folding chairs, tables, bicycles, and toys when not in use. If you choose to grill in the front yard, remove the grill and other equipment once you are finished in a place not visible from the street or a canal.
9. No clothes lines may be erected on any property.
10. No antennas or wires from antennas shall be erected or maintained on any tract forward of the front building line on any property.
11. All boat docks and decks should be maintained for safety and appearance and so they do not end up in the canals. Any rotting or sagging boards should be removed and replaced with new boards.
12. Nothing shall be thrown or dumped into the canals. This includes limbs, leaves, grass clippings, fish remains, pet waste or any other foreign matter.
13. All fences and walls shall be maintained in good condition. House trim, garage doors, and windows and doors shall be painted as needed so to create a clean and upkept appearance when viewed from the street.

## **VI. Notification of Changes to ACC Rulings**

It shall be the responsibility of the Executive Coordinator to develop a system that will ensure proper and speedy notification of new ACC rulings to interested parties. This may include, but is not limited to, notices in the monthly newsletter, a separate page on the POA Internet site, and phone calls to individuals.

## **VII. Updating and Availability of this Guide**

- A. It shall be the responsibility of the Executive Coordinator to ensure that this Guide is updated as new rulings are introduced or present rulings are modified or eliminated.
- B. The Executive Coordinator shall also ensure that this Guide is readily available to builders, homeowners, and Board and ACC members. This requirement may be satisfied by having the Guide posted on the POA website. Interested parties not having access to the website will be provided a printed copy upon request.