

CLEAR WATER COVE PROPERTY OWNERS' ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE'S BUILDING REQUIREMENTS

1. APPLICATION PROCESS. The Clear Water Cove Property Owners' Association ("Association") has the authority through its Architectural Control Committee ("ACC") to promulgate, from time to time, minimum construction standards which are binding upon all property owners within the Clear Water Cove Subdivision ("Subdivision"). The building requirements specified in this document are considered to be a "minimum construction standard," and supersede all prior documents applicable to new construction within the Subdivision. Construction of any new residence shall conform to the applicable version of the International Residential Code ("IRC") of the City of Conroe. As of August 1, 2014, the applicable code is designated as the IRC2009.

The prospective builder ("Builder") is required to submit its detailed construction specifications for approval by the ACC prior to the commencement of any construction work. The Builder shall submit two (2) complete blueprints with its application, one of which will be returned to the Builder upon approval of its application by the ACC. The Builder's application shall also be accompanied by a Certified Check payable to the Association in the amount of Fifteen Hundred Dollars (\$1,500.00) per application, of which the sum of Five Hundred Dollars (\$500.00) comprises a non-refundable administrative fee to be retained by the Association. The remaining One Thousand Dollars (\$1,000.00) will be retained by the Association in the form of a damage deposit until the completion of the building project, subject to the further terms hereof. Any construction involving a new building or the expansion of living space within an existing building will also require submittal to the ACC of a Building Permit approved by Montgomery County.

Provided the Builder's application and accompanying blueprints are complete as submitted, the ACC approval process should be completed within thirty (30) days; however, the Association reserves the right to take such additional time as may be reasonably required if the application raises unforeseen issues or requires additional information from the Builder.

2. MINIMUM PLAN REQUIREMENTS FOR NEW CONSTRUCTION AND ADDITIONS. The Builder shall submit to the ACC the following materials for approval prior to the commencement of construction:

- (a) Survey of lot on which construction is proposed, with engineer's signature and approval stamp;
- (b) Site plan, drawn to scale, showing dimensions of all proposed improvements, easements, streets and building lines;
- (c) Topographic drawing indicating height of street, culvert, walks driveways, porches, foundation slabs and yard, and indicating positive drainage not adverse to adjoining lots;
- (d) Structural drawings with engineer's signature and stamp indicating design and details of the foundation slab, driveway, walks and framing;
- (e) Exterior Elevation Plan with dimensions, overall height and proposed finishes;
- (f) Floor Plan with cut section, indicating finish schedule for each room and square footage for living area per floor, for garage, and for porches on drawings;
- and
- (g) Identification of all proposed exterior paint colors, which must be approved by the ACC.

3. CONSTRUCTION SITE PREPARATION AND MAINTENANCE. Builder shall not access construction site through an adjacent lot or common area without the express written permission

of the lot owner or the Association, respectively. The following restrictions apply to Builder's entry, occupation and maintenance of the construction site throughout Builder's use of the site:

(a) **Street Protection.** Builder or its designee shall place appropriately sized boards along and beside the street's edge to prevent damage to the asphalt from vehicles and equipment entering and leaving the construction site. No track equipment shall be allowed to offload to the street.

(b) **Site Clearing.** All tree stumps, limbs, underbrush and other debris removed from the construction site must be removed and hauled out of the Subdivision prior to the commencement of construction. **No burning of site debris will be permitted at any time.** Site clearing subcontractor must broom-clean the street immediately after clearing the construction site.

(c) **Site Fill and Erosion Prevention.** No fill dirt or other material, including foundation fill, shall be placed or maintained on a construction site outside the minimum building setback lines prescribed in the Association's deed restrictions. Immediately following rough grading of site, Builder or its designee shall install orange plastic retaining fence at a minimum five-foot radius around any large trees to be retained on the site to prevent root damage, and shall install silt retention fencing at the lot perimeters to minimize soil erosion during construction. Immediately following final site grading, Builder or its designee will re-trench and properly re-install all damaged silt retention fencing. and broom-clean the street upon completion of fill hauling.

(d) **Site Maintenance.** Builder shall install a metal dumpster (minimum 20-yard capacity) on the construction site to accommodate construction lumber scraps, debris and other waste materials and trash throughout the construction process. Construction site must be kept clean and materials stored in an orderly manner at all times. No trash or debris will be permitted in the street or adjoining ditches; Builder or its designee shall assure that streets and ditches are cleared of any such trash or debris **on a daily basis.**

Immediately upon commencement of site clearing, Builder shall provide a portable toilet facility to be placed within the lot lines of the construction site (and not in the street or adjoining ditches) and shall maintain such facility at all times until construction is completed.

Builder is responsible to ensure that concrete contractors perform truck chute "wash outs" only on the construction site proper, and not on any adjacent lot, street or ditch.

(e) **Vehicles.** All Builder and contractor vehicles must either be parked on the construction site proper or on the street side closest to the site. No vehicle will be permitted to block any driveway or the view of oncoming traffic, nor to be parked in front of a neighboring property without the affected property owner's prior permission.

(f) **Signs.** No signs will be permitted on the construction site except a small sign indicating the identity of Builder, for purposes of guiding suppliers and contractors to the site.

(g) **Electrical Requirements.** Builder or its designee shall install a temporary electrical pole on the site prior to commencement of construction and shall maintain same in place until the permanent connection to the building is completed. No generators will be permitted on the site at any time.

(h) **Construction Hours.** Construction hours are from 7:00 a.m. to 7:00 p.m., Monday through Saturday. **Construction is prohibited on Sundays and holidays.**

MINIMUM CONSTRUCTION STANDARDS. The owner of the construction lot is responsible to ensure that measurements, material types, quality, quantity and construction methods meet with ACC approval and are as per the submitted construction plan. It is strongly recommended that the lot owner engage an architect or licensed inspector to protect the owner's interests in assuring full compliance with the ACC-approved construction plan and governing state and local governmental requirements.

(a) **Site-Specific Soil Report.** The Builder shall obtain and submit to the ACC a Soil Report prepared by a Professional Engineer licensed in the State of Texas, for the particular lot on which construction is to be undertaken. The Soil Report must include the legal description and/or street address applicable to the lot on which soil borings are taken, and must bear the stamp and signature of the professional engineer performing soil tests and surveys. The Soil

Report requires that the foundation to be constructed be compacted to a standard, such as ASTM 0698. The Builder must have the foundation pad tested by a qualified testing agent in accordance with the cited standard, and must request a written report of the testing results. Builder may not proceed with construction of the foundation until such time as the compaction standard has been met.

(b) **Engineered Foundation Plan.** All foundation plans submitted to the ACC must be prepared by a Professional Engineer licensed in the State of Texas and bearing the stamp and signature of the responsible engineer.. The foundation plan shall reference the site-specific Soil Report used for the foundation calculations, including the name of the testing agent, report number and date.

(c) **Materials and Specifications - General.** The Builder shall conform with the following general restrictions and specifications as to materials and methods used in construction:

- (i) Front and side elevations of building, including garage, must be finished with brick, stone or stucco. Hardi Plank is not acceptable as a finish product for these elevations;
- (ii) Finish materials for siding, soffit and fascia on rear elevation must be Hardi Plank or similar. Wood and masonite siding are not acceptable as a finish product for this elevation;
- (iii) All roof rafters, ceiling joists and studs must be not more than sixteen inches (16") on center;
- (iv) All slab elevations must be level with crown of the adjacent street, at a minimum. Exposed foundation slab must be ten inches (10") or less from final grade;
- (v) Roof materials must be either:
 - 30-year warranted architectural composite shingles; or
 - R-Panel, V-Panel or Standing Seam metal panels (No corrugated or galvanized panels are acceptable).
- (vi) Buildings must be constructed to meet Energy Star requirements;
- (vii) All mechanical and utility connections must face the interior of the property on corner lots;
- (viii) Driveways must consist of a minimum of four inches (4") of concrete with cross-tied rebar. Where driveway crosses a culvert, installation of concrete sidewalls is mandatory. Asphalt driveways are not permitted.
- (ix) Driveway slopes may not extend past the building line if driveway is extended to asphalt;
- (x) Driveway concrete may not encroach over any side building line on any lot;
- (xi) Concrete walkway from driveway to the front porch or door is required;
- (xii) Culverts, if utilized, must meet Montgomery County standards; and
- (xiii) Garage interiors must be finished in drywall panels, not left with exposed studs.
- (xiv) Builder shall install construction locks on all exterior doors of building.

(d) **Materials and Specifications - Fencing.** The Builder shall conform with the following general restrictions and specifications as to materials and methods used in construction:

- (i) Builder must provide the ACC a survey with improvements shown to scale, and with all dimensions noted. All sections of fencing visible from the street must be oriented such that the slats or pickets are on the exterior, so that posts and horizontal members are not visible from the street;

- (ii) Fence materials must consist of cedar or treated pine wood. Chain link or wire fences are prohibited;
- (iii) Maximum height of any fence is six feet (6'); and
- (iv) Fence lines may not be placed in front of any minimum building setback line nor between the side street line and the minimum building setback line from a side street.

4. **INSPECTIONS.** Attached to this document is a "**Schedule of Required Inspections**" to be carried out at the time specified, to ensure compliance with the minimum standards required by the ACC. The owner of the lot on which construction is to be undertaken is responsible to ensure that all required inspections are conducted and receive approval by the inspecting party prior to initiating the next ensuing phase of construction. Builder is required to maintain a copy of the Building Permit and inspection check-off form at the construction site at all times, and to protect such documents against adverse weather.

5. **REQUIRED LANDSCAPE STANDARDS.** Builder is responsible to ensure that the following minimum landscaping is installed on the lot following completion of building construction:

(a) **Grass Sod.** The entirety of the lot on which construction has been completed must be sodded with grass to minimize the erosion of soil from the lot.

(b) **Foundation Plantings.** A minimum of six (6) shrubs of at least ten (10) gallon container size shall be planted in an aesthetically pleasing arrangement along the front elevation of the finished home.

(c) **Trees.** A minimum of two (2) trees of at least thirty (30) gallon container size shall be planted on the lot.

6. **FINES/DEDUCTIONS FROM BUILDER'S DAMAGE DEPOSIT.** The One Thousand Dollar (\$1,000.00) damage deposit required of Builder in Section 1 above is subject to being drawn down by the Association as the result of Builder's failure to conform with the requirements set forth in this document, as follows:

(a) **General.** Builder will be fined One Hundred Dollars (\$100.00) for each identified violation of the ACC's Building Requirements, or for conducting construction work at the site without a Building Permit approved by Montgomery County. Dating from the time of notice by the ACC to Builder, delivered in writing or to Builder's email address, Builder may be fined an additional Fifty Dollars (\$50.00) per day until the specified violation has been corrected to the reasonable satisfaction of the ACC.

(b) **Examples.** By way of example only, **and without limiting the authority of the ACC to assess other fines against Builder not specifically listed**, the following would constitute instances for which fines described in (a) above may be levied by the ACC:

- (i) Builder's failure to provide and maintain a portable toilet facility on the construction site;
- (ii) Builder's failure to provide and maintain the required metal dumpster on the construction site;
- (iii) Builder's failure to install and maintain adequate silt retention fencing on the perimeter of the lot on which construction is planned;
- (iv) Builder's failure to maintain the construction site and surrounding lots free of trash, litter and construction scraps;
- (v) Builder's improper installation or maintenance of drainage ditches, culverts so as not to ensure free flow of water run-off;
- (vi) Builder or its contractors' burning of trash or construction debris on the construction site;

- (vii) Builder's failure to prevent visible damage to asphalt street surface caused by its operations and/or vehicles;
- (viii) Builder's failure to maintain open street or driveway access by blocking same with vehicles associated with Builder's operations; and
- (ix) Consumption of alcohol on the construction site by Builder, its contractors and/or sub-contractors.

I / We have read and understand the Architectural Control Committee's ("ACC") Building Requirements and the protective restrictive covenants ("Deed Restrictions") applicable to the Section of Clear Water Cove Subdivision in which the proposed home is to be built. I / We understand and **AGREE** that I / we will abide by and follow the requirements set forth in these documents.

Further, I understand that the inspections required by the ACC are to insure compliance with Clear Water Cove Subdivision's Deed Restrictions and the ACC's Building Requirements. I / We **AGREE** to facilitate and to ensure that these inspections are conducted as scheduled. I / We have been advised that I / We should strongly consider hiring an independent inspector to insure that the planned construction is in accordance with the drawings submitted to the ACC.

I / We agree to contact the below named Clear Water Cove contact for any questions during the work on the improvements.

AGREED:

Owner _____ Date _____
 Print Name: _____

Owner _____ Date _____
 Print Name: _____

Builder _____ Date _____
 Print Name: _____

Builder Name _____

Builder Representative _____

Builder Address _____

Builder Phone _____

Builder Email: _____

CONTACT for Clear Water Cove Subdivision: _____

Phone: _____

Amity Community Management Group
 96 Beach Walk Blvd., Ste. 207
 Conroe, TX 77304
 e-mail: jstanley@acmg.solutions
 phone: (936) 703-5256

Schedule of Required Inspections

Of the Clear Water Cove Architectural Control Committee

Property Owner Name _____

Type of Improvement _____

Physical Address _____

Legal Description Section _____ Block _____ Lot _____

Inspections Required

Date Passed

Inspector Name

Site Scraped _____

To be inspected prior to any fill work and re-inspected if site preparation is destroyed by rain. No tree removal or lot clearing may occur until Building permit is issued.

Slab Preparation (prior to pour) _____

Rough-Ins _____

Call before plumbing, electrical, and HVAC rough-ins are covered.

Driveway _____

Call after forms are set and steel is placed ready to pour.

Final Inspection _____

Do not call for inspection until:

- a. All work is 100% complete
- b. All excess materials and trash are removed.
- c. Streets, curbs, and storm sewers are ready for inspection
- d. Final lot grading is complete.
- e. Any adjoining lot damage has been repaired.

Utility Tie-in _____

Call _____ at 936-XXX-XXXX after water and sewer lines have been run to main lines. Do not backfill until they have been inspected. Water meters are not to be set until after final inspection.

Inspections performed during the construction process at the direction of Clear Water Cove ACC are to insure compliance with the minimum standards as required by the Clear Water Cove Subdivision.