

**Cumberland Ridge Homeowners Association
Architectural Control Committee
ACC Policies and Procedures
(September 2021)**

The Architectural Control Committee (ACC), created by Cumberland Ridge Restrictive Covenant Article Three, is charged with evaluating all proposed changes to any structure and/or lot within the Cumberland Ridge Subdivision in order to preserve and enhance property values by requiring conformity to certain standards of construction, visual appeal, uniformity and design. **All proposed changes, which may or may not be visible from any street within the neighborhood, are covered by this policy.**

Cumberland Ridge Restrictive Covenant Article Three states: “No building, roof, fence, wall, or other structure shall be commenced, erected, altered, changed or maintained upon any lot in said subdivision until the details, plans and specifications thereof shall have been submitted to and approved in writing as to harmony of external design, materials and location in relation to surrounding structures and topography by an Architectural Control Committee composed of three representatives appointed by the Cumberland Ridge Homeowners Association. In the event the Committee fails to approve or disapprove any such details, plans or specifications within fifteen (15) days after submission to it, or in any event if no enjoin has been commenced prior to the completion thereof, approval will not be required and this article will be deemed to have been fully complied with.”

No construction or changes can begin prior to the approval of the ACC Application. Significant penalties may accrue. (see Section II - Penalties for Work Commenced Before Approval Has Been Received)

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Section I Application Process

ALL changes to the exterior of a structure or to any lot must be approved by the ACC before construction work begins. **Failure to do so will incur fines of up to \$50 per day levied from the time any unauthorized changes begin until they are rectified to the satisfaction of the ACC.**

1. All requests for permission to make any changes to a structure and/or lot must be in writing.
2. Complete the appropriate Application Form. These forms are available in the public documents area of the Cumberland Ridge website at www.cumberlandridge.net
 - a. Form A- Structural/Lot Modification/Small Project Request Form
 - b. Form B- Existing Home Demolition Request Form
 - c. Form C- New/Replacement Construction/Large Project/Outbuilding Request Form
3. The following information is required to be attached to the Application form:
 - a. Name, address, phone numbers, and email addresses of all persons responsible for the project.
 - b. The street address or the unit, block, and lot number(s) of the property.
 - c. Type of project (new home construction, exterior remodel, painting, new fencing, etc.)
 - d. A site plan prepared to scale (not less than 1"= 20') to include:
 - i. A drawing of all tracts affected by the Application, with all adjoining and abutting land, streets and common areas identified.
 - ii. The platted boundaries of all such tracts
 - iii. All set-backs and easements
 - iv. Dimensions and locations of all driveways existing and proposed
 - v. Floor plan and elevations (for new home construction and remodels)
 - e. Identification of all exterior materials to be used.
 - f. Paint, siding or stone/brick colors (provide paint chips and samples of brick, stone, etc.).
 - g. Lot Elevation and Topography Plan.
 - h. Drainage Plan for the lot(s) both during construction and after construction is completed.
 - i. Storm Water Protection Permit (SWPP) from the State.
 - j. Landscaping plan showing location of proposed trees, shrubs, flower beds and ground cover.
 - k. County and/or UNRA approved septic system plan.
 - l. Lakeside properties will require an Upper Neches River Authority permit prior to constructing any facility (docks, piers, boathouses, bulkheads, etc.). The Authority will issue a permit for such facilities. A copy of the regulations must be obtained from their office. It is the applicant's responsibility to determine what permits are required by the Upper Neches River Authority.
 - m. Required fees and deposits.
 - n. Applications for demolition work (Form B) must include start dates for both demolition and rebuilding. Start dates must be within 3 months of each other. The Replacement Construction Application Form C should be submitted with the Demolition Application- Form B.
4. Use the Project Submission Checklist on the appropriate ACC Application Form to verify that all required documentation has been attached to the form.
5. The Application will be reviewed by the ACC to ensure that all required documents have been attached. The ACC will advise the applicant by mail, email or hand delivery of any missing documentation. The Application will not be considered "received" by the ACC, nor will the 15-day review period begin, until all documents have been submitted. The ACC will notify the applicant by mail, email or hand delivery that the Application has been received with all required supporting documents. The point of notification begins the 15-day review period.
6. Applications and supporting documentation will be retained by the ACC for its records and for use in monitoring during construction.

Section II

Penalties for Work Commenced Before Approval Has Been Received

1. If the Application is submitted after the fact of construction, change, alteration, cutting of trees, etc. the ACC is not required to grant approval.
2. The normal time limitation of the approval process is not applicable if work is commenced before approval has been granted.
3. The applicant can be required, by authority of the CRHA Bylaws, to remove said construction and/or return the lot(s) to pre-change condition.
4. The applicant will be required to plant trees to replace improperly removed trees. ACC approval is required for the removal of live trees measuring 8 or more inches in diameter, measured from a distance of 12 inches up from the ground.
5. The applicant may be subject to fines of up to \$100 per day for each day the violation is not corrected.
6. The applicant will be subject to reasonable court and attorney fees incurred by CRHA, if the CRHA and ACC are required to seek court relief. (see Section X - Enforcement)

Section III

Fees/Construction Deposit/Surety Bond

Heavy construction equipment, materials and supplies, and delivery vehicles can have negative effects on roads, common areas, and adjacent lots. To help reduce the added cost of road maintenance due to these effects, the ACC has the authority to require fees and/or deposits and/or surety bonds be paid to CRHA when approval has been granted, prior to commencement of work.

1. Fees. Fees are used to maintain neighborhood roads and common areas, before, during, and after construction. Fees are nonrefundable, except when the ACC denies an application. No fee or application is required for interior renovations, only improvements which will change the *exterior* of the home.

Types of Fees:

Fee #1: Construction of New Home (Form C): **\$7,500**

Fee #2: Partial/Total Demolition of Existing Home (Form B): **\$1.00 / SF**

Fee #3: Addition or Modification to Existing Structure (Form C) (i.e.- living space, garage, storage shed, driveway, pool, etc. which requires the pouring of a slab or other foundational materials): **\$1.50/sq. ft.**

Fee 4: Room addition to main structure: **\$500**

2. Construction/Project Deposit. As part of the approval process, the ACC will require the applicant or builder to provide a construction deposit of **\$3,000** and a **\$1,000** demolition deposit if applicable to the Cumberland Ridge Homeowners Association. This deposit will be used in the event that the owner contractor or builder fails to bring into compliance any work performed after having been given notice of any violations of the Restrictive Covenants, ACC Policies and Procedures, and ACC Building Guidelines. In addition, to repair damage to Cumberland Ridge's Roads, Shoulders and/or Drainage Ditches caused by Construction Traffic or Activities. The deposit will be released by the Cumberland Ridge Homeowners Association, less any expenses incurred, upon notice of ACC approval of the completed project.

Demolition of Existing Home Deposit- \$1,000

New/Replacement Construction Deposit- \$3,000

NOTE: In the case of *Replacement Construction* only, all or any unused part of the Demolition Deposit may be applied to the Replacement Construction Deposit- Replacement Construction approval will still require full deposit amount.

Surety Bond. As a condition precedent to the granting of a permit, the ACC may require that the applicant or builder enter into a contract with the Cumberland Ridge Homeowners Association and provide a surety/performance bond in the amount of \$25,000.00 assuring the timely performance of the contract and adherence to all approved plans and conditions.

Surety Bond- \$25,000

Section IV

Application Review Process

1. Once the completed Application has been received by the ACC, they have 15 days to approve or deny the Application. No work can begin during this period. The applicant's schedule for the implementation of the proposed improvement(s) must allow for the time required to complete the approval process.
2. The review requires a site visit by the ACC. The ACC will provide the applicant with 48 hours' notice of when the ACC will do a site visit of the lot(s) to which the application applies. If agreeable to both parties, the review may be conducted in less than 48 hours.
3. Unavailability of the applicant to meet, discuss, or provide required additional information as requested by the ACC will result in denial of the Application.
4. The ACC will use the CRHA ACC Building Guidelines as its standards for approval. In addition, the ACC will consider the following elements:
 - a. Conditions of the property for what is being proposed
 - b. Conditions and compatibility of the proposed construction or remodeling project to other lots in close proximity to the property identified in the Application
 - c. Each Application is considered on its own merit.
5. Applications for demolition work (Form B) must include start dates for both demolition and rebuilding. Start dates must be within 3 months of each other.
6. The ACC committee may, by majority vote, grant a variance from the approved Building Guidelines and/or from certain provisions of the CRHA Restrictive Covenants, as allowed by those particular Restrictive Covenants.
7. The ACC has the right to deny approval for a similar improvement based on the proximity of a lot(s) to a main boulevard and on the visual relativity of the site to the overall neighborhood. As an example, a home located on the perimeter of the neighborhood may be permitted to have a certain styled storage building, whereas on a main entry boulevard and depending on the configuration of the lot, this same item may not be approved. The intent is to maintain overall integrity within areas of higher visual impact.
8. It is understood that the Cumberland Ridge Restrictive Covenants cannot and have not provided a universal list of all restrictions that would have been included had they been foreseen by the Declarant. It is therefore provided by the CRHA ACC Policies and Procedures (this document) that all restrictions provided by the Cumberland Ridge Restrictive Covenants may not be considered exclusive in scope or type of those architectural restrictions as provided in their purest verbal definition.

Section V

Approval/Denial of the ACC Application

1. Approval or denial of the Application will be determined by majority vote of the ACC members.
2. The ACC will return the Application stating, in writing using the ACC Project Verification Form, whether the Application is approved, approved with certain conditions to be met, or denied.
3. If approved, the applicant will be provided with a numbered ACC- Approved Project Display Permit. The applicant must display the ACC Permit in a prominent location on the lot(s) during the completion of the approved work. Failure to display the ACC- Approved Project Permit may cause disruption of the approved work.
4. For new construction the applicant has up to 3 months from the date of application approval, indicated on the Project Verification Form and ACC Permit, to begin construction, and 9 additional months to complete construction.
5. For full/partial demolition of an existing home, the applicant has up to 3 months from the date of application approval indicated on the Project Verification Form and ACC Permit to begin demolition, and

3 additional months to begin replacement construction. The applicant will be required to sign for a project demolition start date & rebuild start date before ACC approval will be given.

6. Other projects on Form C and small projects, such as those covered under Project Application- Form A, must begin within 1 month after approval has been given.
7. A Project Start Date, mutually agreed upon between the ACC & the applicant, will also be signed for and listed on the ACC Project Verification Form.
 - a. If work has not commenced by the Project Start Date, the approved Project Application will become null and void and the applicant will be required to submit a new application.
 - b. For new construction, in the event that the property (lot, residence, etc.) has been modified in preparation for construction and construction does not occur, the construction deposit will be used to replace any live trees, 8" in diameter measured 12" from the ground, removed during lot clearing, if any, thereby creating a more natural look consistent with the neighborhood. The applicant may also be subject to other penalties as outlined in Section IX.
 - c. In the event that approved demolition work is completed, but the replacement construction does not begin within 3 months after end of demolition, the ACC may require that any remaining concrete foundation be removed and the lot be replanted with trees, in order to create a more natural look consistent with the neighborhood. The applicant may also be subject to other penalties as outlined in Section IX.
8. The ACC will deny any Application if:
 - a. The plans and exterior specifications are not in sufficient detail, or are incomplete.
 - b. Required fees, deposits or bonds are not included with the Application.
 - c. The applicant does not provide, in a timely manner, whatever additional information is requested by the committee.
 - d. The applicant is unavailable during the ACC review period for consultation regarding the Application.
 - e. The plans and specifications are not in compliance with all requirements and provisions of the Cumberland Ridge Restrictive Covenants, ACC Policies and Procedures, and ACC Building Guidelines.
 - f. The applicant has work being performed on another approved ACC Application that does not comply with the ACC Policies and Procedures or ACC Building Guidelines, or if that construction has caused damage to Cumberland Ridge property or the property of another owner.

Section VI Appeals to ACC Decisions

If the applicant wishes to discuss or appeal a decision made by the ACC, a written request must be made. The Committee will then schedule a time within 20 days of the request with the applicant for discussion of the ACC decision. If, after meeting with the ACC, the applicant wishes to appeal an ACC decision to the Board of Directors, the request for appeal must again be in writing. Upon such request, the Board shall schedule a hearing no later than 30 days from receipt of the request. At the hearing, the applicant's appeal will be heard, and the Board will decide whether or not to uphold the ACC decision.

Section VII Changes or Alterations to Approved Applications

Changes and/or alterations of approved Applications are required to be submitted in writing, with supporting documentation, to the ACC **before** those changes and/or alterations are implemented. Requests for changes and/or alterations to approved Applications will go through the Application review process as outlined in Section IV - Application Review Process.

Any changes and/or alterations made prior to ACC approval will be subject to enforcement actions.

Section VIII
Monitoring Approved Applications

1. Upon approval of an Application, the ACC will name a Designated Representative to monitor the project.
2. The Designated Representative will have the right to enter the project area to ascertain the extent of compliance with the approved Application and the CRHA Restrictive Covenants and Bylaws, ACC Policies and Procedures, and Approved Building Guidelines.
3. If the Designated Representative believes the work being performed is not included in the approved Application, or violates the CRHA Restrictive Covenants and Bylaws or the ACC Policies and Procedures and ACC Building Guidelines, the applicant will be notified in writing, by mail, email, or hand delivery of the specific deficiencies noted by the Designated Representative. The applicant shall bring into compliance any deficiencies before continuing work on the project.
4. In the event deficiencies are not corrected within 14 days of notification, or if other work is performed prior to the correction of the specified deficiencies, the CRHA and ACC will issue an injunction for work stoppage. Work must cease until the ACC gives written permission. In addition, the applicant may be subject to other penalties as outlined in Section IX - Penalties for an Approved Application and/or Non-Compliance with Application Conditional Approval Items and/or the ACC Building Guidelines.

Section IX
Penalties for Non-Compliance with an Approved Application and/or
Application Conditional Approval Items and/or ACC Building Guidelines

1. The applicant will be subject to fines of up to **\$50 per day** for each day the violation is not corrected.
2. The applicant can, by authority of the Restrictive Covenants, be required to remove said construction and/or return the lot(s) to pre-change condition.
3. The applicant will be required to plant trees to replace improperly removed trees. ACC approval is required for the removal of live trees measuring 8 or more inches in diameter, measured from a distance of 12 inches up from the ground.
4. The applicant will be subject to reasonable court and attorney fees if the CRHA and ACC are required to seek court relief.

Section X
Enforcement

1. By acquisition of title to any lot in Cumberland Ridge, the owner agrees to abide by the Cumberland Ridge Restrictive Covenants. This agreement is stated in the land deed to the property. This includes seeking and receiving approval from the ACC prior to making any changes and/or alterations to any structure on a lot(s) or to any lot(s).
2. If the ACC determines that unapproved work has been performed on any lot and remains uncorrected, the ACC will apply such penalties as outlined in **Section II and Section IX**.
3. In the event that unapproved work is not corrected in a reasonable period of time, the ACC will notify the Board of Directors of the specific violations of the Cumberland Ridge Restrictive Covenants and Bylaws, ACC Policies and Procedures and/or ACC Building Guidelines and request that legal action be taken.
4. The Board of Directors shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations. The Board shall be entitled to recover all costs, expenses and reasonable attorney fees incurred in such actions and collect those through special assessments against the owner. These special assessments as provided herein shall be a charge on the land and shall be a continuing lien upon the lot(s) against which such assessment is made. Each such assessment shall also be the personal obligation of each person who was an owner of the lot(s) at the time when the assessment was levied.