



## Application For New or Remodeling Construction

# INSTRUCTIONS

**Please read carefully.**

- ✓ Initial the bottom right corner of each page in this packet. (Pages 1, 3-7)
- ✓ Complete the application. (Pages 2 and 3)
- ✓ Attach the documents requested in application.  
*Note: You may also attach additional information, such as photos, a description of your project, etc. Please provide as much detail as possible.*
- ✓ Sign the application and excerpts. (Pages 2 and 8)
- ✓ Your contractor **must** sign the application. (Page 2)  
The application will not be accepted without the contractor's signature.

**Roll-off dumpsters must be ordered through Live Oak.**

Live Oak: 903-839-1800 | Toll Free: 1.888.313.6862

# EMERALD BAY APPLICATION FOR NEW OR REMODELING CONSTRUCTION

version 04/05/31/2017

(Applications must be approved by the Architectural Control Committee prior to the start of construction.)

Owner \_\_\_\_\_ Member # \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

Cell # \_\_\_\_\_

Construction Site Address (if different) \_\_\_\_\_

Contractor \_\_\_\_\_ Phone # \_\_\_\_\_

Address \_\_\_\_\_

Type of Construction:      New Home  
   Work done to existing property:  
   Waterfront improvements (piers, bulkhead and/or boathouse)  
   Repairs, painting, roofing, alterations, fences, landscaping and other

Description of project: \_\_\_\_\_

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**New Home Construction:** A set of house plans must be provided with the building permit application that details driveways, sidewalks, curbs, drainage and sewer layout that shows the relationship of the proposed structure to the lot and street lines. A copy of the portion of the plans that pertains to these items will be required to be left with the Architectural Control Committee through the completion of the project.

Required plans have been provided with the application: \_\_\_\_\_ Yes \_\_\_\_\_ No

**Remodeling:** A detailed description and drawing of not less than one inch = 10 ft. scale detailing the proposed work is required to be submitted with the permit application to be left with the Architectural Control Committee through the completion of the project.

Required plans have been provided with the application: \_\_\_\_\_ Yes \_\_\_\_\_ No

**Waterfront Improvements:** A detailed description and/or drawing of the proposed improvements are required to be submitted with the permit application. Proof of approval from the Neches River Authority (NRA) must also be included with the permit application.

Required plans and/or description has been provided with the application: \_\_\_\_\_ Yes \_\_\_\_\_ No

Proof of approval from the NRA has been provided with the application: \_\_\_\_\_ Yes \_\_\_\_\_ No

**Repairs, Alterations, Painting, Roofing:** A brief description of the project provided in the space above is required unless the committee requests additional information.

**Fences:** A description and drawing detailing the proposed location and construction of the fence is required to be provided with the application.

Required plans and description has been provided with the application: \_\_\_\_\_ Yes \_\_\_\_\_ No

INITIAL HERE: \_\_\_\_\_

Upon approval, a certificate will be issued that must be displayed in a visible and protected location at the site of the work until the work is completed.

All construction is subject to and must comply with the current Modified Restrictive Covenants of Emerald Bay as well as all applicable HOA Bylaws, Consolidated Rules and Regulations and all Operating Policy and Procedure requirements. A copy of applicable excerpts from these documents is provided with this permit application to help facilitate compliance.

Applicants should be aware that the Emerald Bay HOA has requested the MUD to establish and inspect for compliance with foundational, electrical and plumbing codes as well as the HOA’s setback requirements.

Applicants should be aware that in many cases the MUD does have approval, fee and inspection requirements in addition to the requirements of the Emerald Bay HOA that must be met prior to the start and continuation of certain construction projects. The MUD is the entity charging the builder for the cost of the inspections, proceeds of which will go into the road maintenance fund.

Regarding projects that involve concrete work, the Architectural Control Committee has requested the MUD to inspect and approve the staked property after grading and before pouring concrete to ensure that the location and construction complies with HOA requirement regarding setbacks and drainage as they inspect for their own requirements.

Porta-Potty, when required, must be on the building site when construction begins.

Debris must not be allowed to blow into neighbor’s yards.

A list of subcontractors must be submitted to the guard house.

Contractors, workers and owners are responsible for street repairs that may become necessary to adjoining owner’s lots for both remodeling and new construction. Required curbing must be done upon completion of new driveways.

**A permit fee of \$100 will be billed to the member on the next monthly bill.**

I hereby acknowledge I have received, read, understand and have agreed to comply with the attached guidelines and requirements and the above noted permit fee.

Owner/Member Signature	Date	Contractor Signature	Date
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Note: Contractor’s signature guarantees the “minimum statutory warranty and certain building and performance standards” as required by Texas House Bill 730, passed during the 78th Regular Legislative Session.

Initial Review Arch. Comm. Signature	Date	MUD Approval Signature	Date
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Final Arch Comm Approval Signature	Date	Admin Permit Issue	Date
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**Note: Work may not begin until a work permit has been issued.**

**EXCERPTS FROM THE DOCUMENTS CONTROLLING  
ARCHITECTURAL REQUIREMENTS FOR EMERALD BAY**

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**CONSOLIDATED RULES AND REGULATIONS**

**of the**

**EMERALD BAY CLUB, INCORPORATED**

**and the**

**EMERALD BAY HOMEOWNERS ASSOCIATION**

**GENERAL**

8. No building, fence or other structure or improvement shall be erected, placed, or altered so as to be located nearer than 20 feet to the rear lot line of any lot abutting a street on the rear of such lot. (HOA)

**CONSTRUCTION AND DRAINAGE (HOA)**

1. Duty and Responsibility: The owner of the lot or tract of land on which a building or other improvement has been or is to be constructed shall have the present and continuing duty to:
  - A. Control rainfall and other water runoff originating on such property in compliance with all applicable Texas Commission on Environmental Quality Stormwater Pollution Prevention Plan (SWP3) regulations, including but not limited to adherence to best management practices (BMPs) for minimizing erosion and the movement of sediment from the construction site. This requirement shall include, at minimum, the installation of a properly installed silt fence barrier to prevent exposed soil from moving off the construction site onto neighboring property or into drainage ditches.(Revised 7/2017)
  - B. Control rainfall and other water runoff originating on such property.
  - C. Control the drainage systems flowing through such property.
  - D. Maintain watercourses along the boundaries of such property.
  - E. Comply with any and all conditions imposed by the Architectural Control Committee for approval of such project.

Note: BMPs include but are not limited to the employment of sandbags, silt fences, straw mulch scattered over exposed soil surface and/or hay bale dikes employed to limit the movement of soil from a construction site. (Revised 7/2017)

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2. Site Plan Required: A site plan consisting of a fully developed drainage plan for the proposed construction area shall be filed with any application to build, add on or change the elevation of any property in Emerald Bay. The site plan must consist of a drawing of the lot or tract of land on which a building or other improvement is to be constructed, as well as all adjoining and abutting land, streets and common area, and any such additional areas as may be required by the Architectural Control Committee. The site plan should show the following:

- A. The lot and block number of all tracts shown on the site plan.
- B. The platted boundaries of all such tracts.
- C. All setbacks and easements.
- D. Location of all curbs, storm sewers and adjacent street lines.
- E. Dimensions and locations of all driveways.
- F. Finish grade elevations of all existing and proposed structures in such area.
- G. Elevations on all existing and proposed changes in topography within such area.
- H. The name, address and phone number of the persons responsible

SECURITY (HOA)

11. Contractors and their employees, sub-contractors and their employees, and material delivery personnel will adhere to the following:

- A. No admittance before 6:30 AM or after 7:00 PM, Monday through Saturday unless authorized by the Security Committee.
- B. A pass will be issued at the time of entrance and it must be returned to the gate guard at the time of departure.
- C. Persons with a construction permit must leave the Emerald Bay subdivision upon completion of their work for the day, but not later than 7:00 PM, without prior authorization from the Security Committee.
- D. The above personnel will be admitted to Emerald Bay only for work or delivery of materials.

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**Modification of Restrictive Covenants**

**A. Definitions**

1. "Architectural Control Committee" means the committee appointed by the Association to ensure compliance with these Covenants.

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## **B. Imposition of Covenants**

Owners impose the following covenants on the Property:

5. All buildings other than boathouses shall be completely underpinned, with no piers or pilings exposed to view.

6. No building exceeding two stories in height above street grade shall be erected on any lot.

7. No building, fence, or other structure or improvements shall be erected, placed or altered on any lot until two copies of the construction plans and specifications of all exterior materials and a plan showing the proposed location of the structure have been submitted to and approved in writing by the Architectural Control Committee as to harmony of external design with existing structures and as to location with respect to topography and finish grade elevation. If construction is not commenced within eight (8) months of such approval, the approval shall be null and void unless an extension is granted in writing.

8. No building shall be located nearer to the side street line than ten (10) feet, or nearer to the side lot line than five feet (5'). No building shall be located nearer to the rear lot line than five feet (5'), or as to lots abutting Lake Palestine, the three hundred fifty-five foot (355') MSL (Mean Sea Level) as established by the Upper Neches River Municipal Water Authority; no building shall be located nearer to the front lot line than twenty feet (20'); provided, however, the side lot line requirement shall not apply to lots on which homes have been built or approved for zero lot lines in Units IV, XIA, XIV, XV, XVI, XXIII, XXIV, XXVII and Lots 11D, 11E, 12B, 13B, 13C, and 13D of Unit XX of Emerald Bay Subdivision.

10. No residential structure on lots bordering the golf course shall be located nearer than fifteen feet (15') from the property line abutting the golf course. Golfers shall have the right to retrieve their golf balls from any lot. Each lot owner, by the purchase of the lot, agrees to waive any claim for damages and to hold Association, its successors and assigns, harmless with respect to any claim for damages to persons or property arising out of or resulting from golf balls hit onto and/or retrieved from his or her lot or lots.

11. All residences shall be constructed to face or front on the street which the lot on which they are constructed fronts. A corner lot shall be deemed to front on the street on which it has the smaller dimension, unless otherwise approved by the Architectural Control Committee.

12. All homes and buildings may be all electric or may utilize alternative forms of energy, as permitted by the laws of the State of Texas, provided that:

a. Rooftop solar panels must be located on a rear or side facing roof section so as to minimize visibility from the street; and

b. Non-portable propane storage tanks must be installed according to the requirements of the State of Texas. All propane tanks or cylinders must be screened from the view of neighboring residences.

13. No fence, wall, hedge, or other non-residential structure shall be built nearer to the street than the building set-back line therefrom as set out in Number 8 above. On lots abutting the golf course, no fence, wall, hedge, or any other non-residential structure shall be built on any location thereon unless same is approved by the Architectural Control Committee.

18. Association retains an easement of five (5) feet along the perimeter of each lot for the purpose of utilities. It shall not be a violation of this provision if wires or cables carried by such poles pass over some portion of said lots not within the five (5) foot wide strip, provided that such lines do not hinder the construction of buildings on any lot in this subdivision. On lots improved with, or approved for construction of zero lot line homes, this requirement is waived for the lot lines occupied, or to be occupied by a portion of the residence.

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19. The exterior of all buildings must be completed within one hundred sixty (160) days from beginning of construction.

20. No outside toilets or privies or other pit type toilet shall be used, constructed or maintained upon any lot, except that a portable toilet may be used during construction. All sanitary regulations of the State Department of Health must be complied with in the use and enjoyment of said lots, and all water and garbage from said lots must be disposed of as provided by such regulations. Garbage on the premises shall be kept watertight containers with tight fitting covers, and no cans, bottles, paper, trash or rubbish shall be placed, deposited, accumulated, or thrown on the ground or in any place except a proper container as aforesaid.

28. **FOR UNITS IX AND X OF EMERALD BAY SUBDIVISION.** In addition to the Covenants that apply to all Property, **UNITS IX and X** shall have the following additional restrictions: No structure for the purpose of storing watercraft of any kind or character shall be constructed on or over the water lying adjacent to lots, tracts or parcels of land in these units. All piers constructed out over the water lying adjacent to these lots, tracts or parcels of land in these units shall not extend further than twenty (20) feet from elevation three hundred forty-five (345) out into the water.

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## **OPERATION POLICY AND PROCEDURE MANUAL**

### **XII. BUILDING REGULATIONS**

#### Building Guidelines for Members and Contractors

Emerald Bay Restrictions and Covenants set forth several requirements which must be complied with when construction is performed. In addition, the review process has been modified to place some additional controls on construction in our community so that we can avoid problems that have been encountered in the last few years. In order to avoid any misunderstanding, it is desirable to set forth herein some of the basic guidelines.

1. All new construction, additions, alterations, fencing, walls, reproofing, bulkhead, piers and/or boathouse, etc. must be submitted to and approved by the Emerald Bay Architectural Control Committee prior to any construction taking place. Included in this provision is the requirement for any lot owner to gain approval prior to disturbing the natural configuration of undeveloped lots, whether or not immediate construction is contemplated.
2. Requests for approval will be made using forms provided by Emerald Bay as per attached sample, along with one copy of each of the following:
  - a. Plot plan and building, fence or wall layout.
  - b. Floor plan layout
  - c. Building elevations, including specifications of all exterior materials.
  - d. Drainage plans.

The construction approval request with the required drawings should be submitted to the Emerald bay Club's office. If the request is for the construction of a new home, a check for the required fee (see fee schedule) must be attached when it is submitted. Required fees for any other construction work will be charged to the resident's monthly bill.

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3. The Architectural Control Committee will convene whenever the club office notifies the committee that an application has been submitted. If proposed drawing layouts conform with all set back requirements, preliminary approval will be given to proceed with foundation forming.

a. Final approval cannot be given until the Committee and an Emerald Bay Municipal Utility District (MUD) representative have made an on-site inspection of the completed foundation forms to ensure set-backs, sewer, water and drainage complies with HOA and MUD regulations. It will be the responsibility of the owner or his contractor to locate, expose and clearly mark all surveyor’s permanent iron pins prior to the committee’s on-site inspections. Failure to do so will delay approval.

b. No concrete is to be poured or other construction performed (other than the placement of foundation forms) until final approval has been granted by the Architecture Committee and MUD. No construction of any type, which includes disturbing of land, shall be commenced until all utility companies have been contacted and given the opportunity to flag underground lines, i.e., water, electricity, telephone and television cable.

The Committee will indicate its final approval by the return of one signed copy of the application. If the construction is not commenced within eight (8) months of such approval, the approval shall be null and void unless an extension is granted in writing.

From time-to-time throughout the construction period, the Committee will review the progress being made. Any deviation made from the original plan that do not conform to Emerald Bay Club’s Covenants and Restrictions will cause the Committee to require that the deviation be corrected prior to any further construction being performed. Failure to make such corrections will terminate the construction approval.

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**For projects involving concrete work and prior to pouring any concrete when you are ready to request the required inspection of the drainage issues and the approved location of the forms to be performed, please notify one of the following:**

The Emerald Bay MUD office 903-825-6960  
(MUD handles the inspections for Emerald Bay building requirements)

The Emerald Bay office  
Lisa Castle  
Architectural Control  
903-825-3388, ext. 103

**SIGN HERE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_