



## Construction Policy

### **Statement from the Sunset Bay POA Board:**

The Sunset Bay POA Board's role in overseeing the construction of new homes and additional structures in Sunset Bay is to ensure compliance with the Sunset Bay Covenants, Conditions, and Restrictions (CCRs). We strive to preserve the beauty and value of the neighborhood to protect the property rights of all Members. We serve as a resource for all Members and strive to make the process of compliance understandable and as pleasant as possible.

Compliance with the requirements set forth in this policy DO NOT constitute full compliance with all Conditions, Covenants, and Restrictions (CCR's) required by Sunset Bay. Please consult all documents and reach out to the Board with any questions.

### **I. Construction Commencement and Completion**

#### **Background**

The Sunset Bay Restrictions state under Section (B), Subsection (2) "Dwelling Specifications":

"Once construction has begun, a Dwelling must be completed within one (1) year from the commencement date."

Failure to complete construction within the one year time limit shall result in forfeiture of the \$1,000.00 construction deposit. The Board considers this a continuing violation of the CCRs. As such, after notice, the Board may impose restrictions on the Member's use of the common areas and facilities, as well as suspension of the Member's voting rights.

#### **Requirements Prior to Commencement of Construction**

1. Installation of a County-approved culvert. The final surface is not required to overlay the culvert prior to commencement of construction. In other words, gravel or a related material may overlay the culvert while construct is ongoing. The Board requires the culvert installation prior to construction commencement to minimize damage to ditches, unsightliness, and damage to neighborhood roads caused by excessive dirt and mud tracking.
2. Presentation to the Board of a Building Permit approved by Aransas County.
3. Presentation to the Board of a WPI-1 Texas Windstorm Plan.
4. Approval of the Architectural Control Committee of all submitted projects, communicated in writing by the Board.

#### **Construction Commencement Date**

The Sunset Bay POA Board hereby declares the "Construction Commencement Date" to be the date on which the first slab is poured or the setting of pilings begins. This date must be provided to the Board via email.

Any type of "site preparation," such as the moving of dirt and the shaping of a pad site, shall not be considered the commencement of construction. This includes the installation of a culvert to access the property from the roadway.

\*\*\*No construction may commence until the application process has been completed and final approval has been granted by the Architectural Control Committee and the Sunset Bay POA Board\*\*\* *CCR B1*

### **Construction Completion**

Construction will be considered complete when ALL of the following conditions are met:

1. Final roofing material is completely installed.
2. Hard surface (asphalt or concrete) driveway is completely installed. *CCR B8*
3. Exterior siding (brick, stucco, stone, hardiplank, or any combination thereof) must be completely installed. This includes all exterior painting. *CCR B2*
4. All soffits, fascia boards, trim, and porch ceilings must be completely installed and painted.
5. All exterior doors and windows must be completely installed. Any exterior doors that require paint must be completely painted.
6. All exterior window coverings (if desired) must be completely installed.
7. All garage doors must be completely installed and painted.
8. Permanent electric power must be completely installed.
9. Outside air conditioning units must be permanently installed and anchored.
10. All Windstorm inspections have been completed and passed. Proof must be supplied to the Board via email.

### **Examples of unfinished projects that will not delay Construction Completion**

1. Installation of a swimming pool, spa, or sauna.
2. Construction of Detached Buildings, as described in *CCR B5*.
3. Construction of outdoor cooking facilities.
4. Construction of a well house.

## **II. Detached Buildings**

### **Background**

Sunset Bay *CCR B5*: "Detached garages, work shops, and barns may be constructed on the property after or while the main dwelling is being built, so long as they are in harmony with the main Dwelling and are of good construction, kept in good repair, and are not used for residential purposes. Any workshops, barns or other outbuildings shall be located to the rear of the main Dwelling. All Dwellings, detached garages, workshops, and barns must be approved in writing

by the Architectural Control Committee prior to being erected, altered, or placed on the property. Barns may only be placed on properties five (5) acres or greater and intended to stable horses.”

#### **Clarification of “...while the main dwelling is being built...”**

This clause will be considered satisfied if no significant delay occurs between construction of the detached building and the main Dwelling. It is understood that logistics may demand the detached building be constructed immediately prior to the construction of the main Dwelling. If a property owner wishes to construct any detached building immediately prior to construction of the main Dwelling, said property owner must notify the Sunset Bay POA Board via email and obtain written permission to proceed.

#### **Harmony**

Detached buildings are considered “in harmony with the main Dwelling” if they meet the following requirements:

1. The color(s) of paint are found on both structures.
2. If the roofs of both structures are visible from the roadway, the roofing materials shall be the same on both structures. If both are metal, the same color will be required on both structures.
3. If brick, stone, or stucco are used as exterior siding on the detached building (whether utilized to the header or as a wainscot) it must match the materials used on the main Dwelling.

#### **Good Construction**

Detached buildings are considered to be “of good construction” if they meet the following requirements:

1. Engineered and constructed to meet Windstorm requirements.

#### **Located to the Rear of the Main Dwelling**

This requirement is interpreted to mean the edge of the building closest to the roadway shall be no nearer to the roadway than the farthest point of the main Dwelling is away from the roadway.

#### **Enforcement**

The Sunset Bay POA Board shall enforce this policy as stated herein, without concession or deviation.