



**Biscayne Owners
Association (BOA)
ACC GUIDELINES**

Effective January 1, 2023

Table of Contents

General Information:

Bylaws and CC&Rs	2
What is the Architectural Control Committee	2
Real Estate and Builder Signs	3
Pre-Application Inquires	3
Application Process	3-5

Design Requirements:

General	5-6
Exterior Lighting	6
Fences, Walls and/or Hedges	6
Landscaping	7
Construction Guidelines	7-8
Building Code Requirements	8
Builders in The Biscayne	9

Fine Schedule:

Exhibit "A"	10
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Forms/Applications:

Acknowledgement and Agreement	11
Application for New Construction	12-13
Checklist for New Construction	14
Application for Fences, Walls and Hedges	15
Application for Landscaping	16
Application for Pool	17
Application for Boat Dock	18
Application for Remodel	19
Short/Miscellaneous Application	20
Construction Deposit Agreement	21-22



General Information:

Bylaws and CCRs

Bylaws and CCRs, together with the latest edition of the ACC Guidelines, can be found on the BOA community website:

What is the Architectural Control Committee?

1. The Biscayne Owners Association Architectural Control Committee (the “ACC”) is established by the Biscayne Declaration of Covenants, Conditions, and Restrictions (the “CCRs”) as recorded in the real property records of Galveston County, Texas. The ACC functions to oversee the uniform plan of the development of the Biscayne Subdivision. The ACC is required to approve all new construction and all changes to existing homes or property, including but not limited to walls, fences, pool houses, detached garages, kennels, antenna 4 feet or larger, boat docks, driveways, patios, barns, composters, solar panels, rainwater harvesting systems, landscaping, and/or variances in The Biscayne.
2. Approval by the ACC is required to be obtained prior to commencement of any construction activities. Specific and detailed information is required to be provided to the ACC regarding planned improvements. Additional information may be requested.
3. Any construction or revisions that occur prior to written approval by the ACC are required to be removed on request of the ACC. Failure to remove any nonconforming improvements upon written notice from the ACC will subject the property owner to fines as further described in Exhibit A and incorporated in this document.
4. Any construction or revisions that are not in compliance with prior approval of the ACC are required to be removed upon request of the ACC. Failure to remove any nonconforming improvements upon written notice from the ACC will subject the property owner to fines as further described in Exhibit A and incorporated in this document.
5. The ACC, acting as an appointed body under the authorization of the Biscayne Owners Association (“BOA”) Board of Directors, has the authority to use its discretion in determining if any planned construction, remodeling, or renovation is in harmony with and meets the general requirements and guidelines for design and quality of construction as determined by the CCRs and/or the BOA Board of Directors. The ACC does not have authority to approve any proposed or completed improvements that are in violation of any CCRs or other mandated restrictions or covenants.
6. Only two committee member signoffs are required for approval.



Real Estate and Builder Signs:

1. Real estate signs must not exceed 24 inches x 18 inches and may include phones numbers, e-mail addresses and realtor's name. (No Paper / Cardboard signs)
2. Builders may place one sign on the property during construction. The builder sign may not be placed on the property until the building application has been submitted and approved by the ACC and must be removed immediately upon completion.
3. All new construction sites should include a sign with the address of the property.
4. The BOA reserves the right to place construction rules signage on any site that the ACC deems needs additional signage.
5. The BOA reserves the right to remove any signage not approved by ACC, BOA Property Manager or BOA Board of Directors.

Pre-application Inquiries:

Pre-application inquiries should be made directly to the BOA Property Manager by email or telephone.

Application Process:

1. Prior to any site work or construction activity, the property owner is required to contact the BOA Property Manager to obtain the appropriate application forms. Please note that all Application Forms are contained in this document.
2. For the purposes of this document the word 'plan' or 'plans' shall mean "construction drawings" and include a site or plot plan, plan view, elevations (front, side and rear), height references, and must additionally include a foundation plan depicting all foundation elevations based on finished grade. The site plan is required to be drawn to scale with all dimensions, setbacks, easements, driveways, walls, fences, AC pads, grinder pump and propane tank depicted thereon.
3. Applications can only be considered if the property owner is not in arrears of their financial obligations to BOA , including but not limited to, annual or special assessments, fines or other fees outstanding and past due.
4. All applications are required to be submitted to the BOA Property Manager.
5. All plans are required to be submitted on minimum legal-size paper but if not easily readable, full size plans are required to be submitted upon request. PDF submissions are acceptable.
6. If submitting full size plans, please contact the BOA Property Manager to arrange handover. These may be handed to the BOA Property Manager at a pre-application meeting if required.
7. Material samples shall include, but may not be limited to exterior paint color, roof material that reflects the color to be installed, soffit or fascia material, and siding material.
8. Every new construction site is required to stake the four corners of the home on the lot for placement review by the ACC
9. All building plans are required to be professionally produced and prominently dated.
10. Before owner occupying a new home or a remodel is started any landscape and fencing plans etc. along with type and location are required to be submitted.
11. Applications for construction of new houses or major remodels are required to be submitted.



12. The landscape & fence plans should be submitted 60 days before home is to be occupied.
landscape plan.
13. Included in this document is an Application Checklist to assist you in ensuring the key elements for submittal have been met.
14. For new construction or major remodels/additions, the following fees and construction deposit will be collected on submission of the application:
 - a. a non-refundable road & gate maintenance fee of \$500
 - b. a non-refundable construction review and site management fee of \$250
 - c. The Builder must submit a construction deposit of \$5,000 from which any fines for violations during the construction period will be deducted together with the cost of remedying damage to roads and other properties referred to in 15 below, the balance being refunded on completion of all applications submitted. The specific terms governing the construction deposit are included in the Construction Deposit Agreement which is incorporated in this document.
15. If a builder has more than one construction project going on in The Biscayne they are only required to keep and maintain a maximum of a \$5000 deposit until all construction is completed.
16. Small project submittal plan review is \$50 per plan review.
17. The non-refundable fee in 13.b above is placed in the reserve HOA account for road repairs that result from normal wear and tear to the roads.
18. The cost to remedy damage to the roads, gates and other properties caused by the property owner's contractors and subcontractors, in excess of normal wear and tear, will be deducted from the construction deposit in 13.d above.
19. The ACC is not required to consider any application until the fees and construction deposit referenced in 13a-d above have been received by BOA.
20. The following apply all to all applications:
 - a. Careful review of the CCRs and these ACC Guidelines by the property owner prior to submittal will expedite the process.
 - b. The BOA Property Manager will issue a construction gate code to the property owner, so all construction contractors and sub-contractors can be provided that code for all their construction purposes. These construction codes will be restricted to the hours set out in paragraph 8 of Construction Guidelines below and will be good for the duration of the project. To maintain the security purpose of our gated community, property owners must not give out their private gate code to their construction contractors and sub-contractors.
 - c. The ACC will review all submittals as quickly as possible although they are allotted 30 days for this purpose. The 30-day period does not commence until all the required information is received. Any questions or necessary revisions will be transmitted from



the ACC to the BOA Property Manager in writing. The BOA Property Manager will then send a written request to the property owner for clarification or revisions. It is therefore in the best interests of the property owner to ensure the application and all other required information is complete and complies with these guidelines prior to submittal.

- d. Once the submittal is approved, the ACC will send written notification to the BOA Property Manager, who will then notify the property owner in writing.
 - e. Approved applications remain in force for 9 months only.
 - f. All construction is required to be completed within one (1) year from the start of construction. Start of construction is marked by the first site work or materials/supplies delivered to the site. Construction will be deemed complete when all exterior construction, including driveways and sidewalks, is complete.
 - g. Landscaping is required to be installed prior to occupation of the residence. (CCR's section 17)
 - h. Should there be excessive delays due to material shortages then ACC application can be amended and resubmitted with reason for delay and expected completion.
21. The ACC members are volunteers and will try to review each application as quickly as possible. All applications are required to be reviewed and receive a response within 30 days of a complete application submitted.
22. Once the exterior of the house is complete, final site work is completed and the landscaping has been installed, the ACC will perform a final exterior inspection upon request of the property owner or builder. Once this inspection is complete and the ACC has determined the project has been built in accordance with the approved plans, a final accounting will be done, and the balance of the construction deposit will be refunded to the builder. If the Builder has multiple projects a refund will be issues after the last project is completed.

Design Requirements:

General:

- 1. The property owner acknowledges responsibility for installing a grinder pump and related tank required to pre-treat sewage (check Undine specification). The property owner understands and acknowledges that the grinder pump and related tank may cost several thousand dollars and that the property owner has advised the contactor of this requirement.
- 2. Applications for new construction are required to meet the minimum square footage of living area required as outlined in the CCRs. Living area is required to be clearly indicated on the submitted plans and for avoidance of doubt, living area is the amount of living area under air and excludes garages, patios and lofts or attics that are not air-conditioned.
- 3. Propane tanks are allowed but are required to be hidden from view from all directions behind a screened wall or buried underground. The location of the tank and applicable walls are required to be shown on the construction drawings and site plan.
- 4. The house, roof overhang, gutters, or any other part of the house may not encroach into any



setback or easement.

5. The ACC committee, in its sole discretion and on a case-by-case basis, may (a) permit a dwelling of more than two (2) stories of living area. Open decking will be permitted above the second level provided it is not more than forty feet (40') above mean sea level and accessed by less than one hundred fifty square feet (150 sq. ft.) of enclosed space. The open decking shall also be less than forty percent (40%) of the floor below.
6. All garages are required to be integral to the design of the planned home.
7. All gutters are required to be seamless and have a matching baked on paint finish and be attached to the fascia board of the roof. Fascia boards must be a minimum of 2" X 6" wood or Hardie trim fascia board.
8. Each house is required to be identified with an address displayed on the house structure or on an address on a driveway column or on an address in the landscaping.
9. Swimming pools are allowed, but all mechanical pumping, filtering, and associated equipment are required to be hidden from view from all directions behind a wall. The location of the mechanical, filtering, and associated equipment and applicable walls are required to be shown on the construction drawings and siteplan.

Exterior Lighting: Dark Sky

1. Porch and driveway lights are required to be shielded, and beams directed to their intended area of use and not directed toward neighboring property(ies) nor the road.
2. Up cast tree lighting and other landscape lighting is acceptable.
3. Patio area lights and flood lights and Stair Lights are required to be downcast and shielded from view from the sides. The primary beam of patio and flood light beams are required not to extend beyond the property owner's property line.

Fences, Walls and / or Hedges:

1. If no fence or wall is specified on the original application, a separate application will be required.
2. Provide a site plan diagram with fence line locations drawn in relation to the building footprint.
3. Fences are required to be wrought iron, aluminum, Vinyl, Wood Picket or Wood with Hogwire.
4. Landscape walls are required not to be taller than three feet.



Landscaping:

1. The property owner is responsible for the maintenance of all vegetation to within eighteen inches of the road.
2. Locate all plantings on a site plan and provide a drawing of the landscape plan.
3. Vegetation barriers (protection for vegetation from wildlife) are allowed. They are required to blend with the vegetation they are protecting and be constructed in a neat and workmanlike manner. They may not be used as a substitution for fences.
4. Applicants are strongly encouraged to utilize native, drought tolerant species. Non-native species require excessive water and fertilizers that end up in our water ponds. Residents are encouraged to be sensitive to the natural topography minimizing the impact upon fragile drainage areas of the neighborhood.
5. Tree staking is permitted until trees are established.

Construction Guidelines:

1. All materials, equipment, trash receptacles, portable toilets and all other related items are required to be contained on the property owner's lot(s) and not on any adjoining lot(s).
2. Construction area is required to be kept neat and clean. A portable toilet is required to be provided prior to commencement of any work and be regularly serviced. A minimum of a 10 yard dumpster or trash enclosure must be put on site after framing is completed.
3. Silt fence must be installed in accordance with SWPPP standards to protect any drainage facilities or slopes leading to the ponds or dunes.
4. Any drainage issues or change in natural drainage or water flow is the sole responsibility of the owner and builder. All lot drainage must be directed to the streets or greenbelt areas. No concentrated flow of water should be directed onto any neighboring lots. Lots where they have existing Culverts then a 18" minimum pipe is required to be installed under driveways traversing street drainage bar ditches. The property owner and builder are solely responsible for appropriately sizing the installed culverts so that the driveway does not impede water flow through the bar ditches.
5. The ACC request notification of a fill delivery and / or a foundation pour at least 3 business days prior to the fill delivery or foundation pour. The gates can be set to be open during the delivery to eliminate excessive wear on gates.
6. Construction activity to the exterior cannot commence in Biscayne before 7AM Monday thru Friday and 8AM on Saturday. All construction activity on the exterior must cease by 6PM Monday thru Friday and by 5PM on Saturday. Construction workers' vehicle entry / exit in Biscayne are bound by these same operating hours. No construction for exterior activity or construction vehicles are permitted on Sundays or holidays. Construction workers are not permitted to visit or use any of the common facilities or private homes within The Biscayne.
7. We are aware that cement trucks generally work outside these hours as do some deliveries. In these cases, you are required to contact the BOA Property Manager for permission to access outside the approved hours.



8. Nuisance – any noise from radios and other devices is required not to be heard from adjacent lots.
9. Parking of vehicles - all vehicles are required to be parked on the lot under construction where possible or within the fifteen-foot setback but under no circumstances are they allowed to create an obstruction on the road.
10. No trucks exceeding a total gross vehicle weight of 50,000 pounds are allowed on any roads in the Biscayne Subdivision due to potential damage and excessive wear and tear on the roads. Total gross weight is the combined weight of the truck plus load.
11. Fines - any infringement or violation of the ACC Guidelines will subject the property owner to fines, as further described in Exhibit A and incorporated in this document.

Building Code Requirements:

1. All construction is required to adhere to at least the 2018 International Residential Code (IRC). Once later editions of the IRC are adopted, all homes should conform to the current code.
2. All approved applications for new or remodeled houses are required to be inspected by Galveston County Building Departments and Aran & Franklin (or equivalent wind engineer).
3. Backfill for all excavation or repair – excavation of the existing roads in Biscayne for any purpose including utility installation or repair shall require backfill to comply with TXDOT Standard Specification Number 400.5 and the top 10 inches shall consist of 8 inches of properly compacted select base material covered by 2 inches of properly compacted Type “D” Hot Mix Asphaltic Concrete Pavement - or 5 inches of HMA (type A) properly compacted in two courses in lieu of 8 inches of select base material. All patches shall be square or rectangular and shall be a minimum of 4 feet wide in either direction.
4. To avoid any doubt or confusion – the property owner is responsible for ensuring that their builder, Entergy, Undine, or any individual or entity that is excavating roads in Biscayne on behalf of the property owner / or for the benefit of the property owners project, all adhere to the above mentioned backfill requirement. Failure to adhere to the backfill requirements mentioned above, upon written notice from the ACC, will subject the property owner to fines as further described in Exhibit A and incorporated in this document.
5. All approved applications will be inspected for adherence to the submitted plans.



Builders in the Biscayne Community:

1. The ACC is authorized to approve or deny any and all Home Builders in the Biscayne subdivision. Builders should be high quality home builders with a long track record of building homes in the Texas Gulf Coast area. No production builders or “build on your lot” builders will be approved. Builders should be prepared to provide the ACC with a company resume, including background of the principals, a reference list, a listing of current building projects and a listing of recently completed building projects. Builders that have previously built in our community are not guaranteed to be able to continue building in The Biscayne. This provision of the ACC Guidelines is intended to ensure high quality builders are active in our community, property values are enhanced, and the harmony and continuity of our neighborhood development scheme is in alignment with the CCRs. It is the clear intent and strategy of the BOA and ACC to treat all applications in a fair, non-discriminatory, and appropriate manner, including the decisions impacting a property owner’s proposed builder.



EXHIBIT "A"

Schedule of Fines for ACC Guideline Violations

The BOA board of directors is authorized by the CCRs and By-Laws to adopt, amend, and repeal rules governing the community. Such rules may supplement but may not conflict with the CCRs and may include without limitation a fining schedule, construction fees, construction deposit requirements, architectural review fees, and other fees determined by the rule. This Exhibit "A" outlines the fine schedule for violations of the ACC Guidelines and is separate and distinct from the Standard Fine Schedule incorporated in the CCRs for deed restriction violations in accordance with Texas Property Code Ch 209. All fines listed below are minimum amounts and are at the sole discretion of the BOA board of directors and the ACC.

SCHEDULE OF FINES

VIOLATION

MINIMUM FINE

Premature clearing or construction	\$500 plus cost of vegetation replacement
Commencing construction without ACC approval	\$1,000 / day
Parking on and / or trespassing private lots	\$250 plus \$50 /day until violation is cured
Inadequate / Removed Construction Fence	\$250 plus \$50 / day until violation is cured
Excessive Mud / Debris on roads	\$250 plus \$50 / day until violation is cured
Inadequate use of Dumpster / No Dumpster	\$250 plus \$50 / day until violation is cured
No chemical toilet provided	\$250 plus \$50 / day until violation is cured
Damage to streets and / or infrastructure	\$500 plus cost of repair to damaged property
Non-compliant backfill for excavation repair	\$500 plus cost of repair to ACC standards
Workers before or after stated work hours	\$250
Open Fires or Burning of Trash	\$500 + cost of repair to all damaged property
Loud music reported	\$250
Adjacent lot storage of materials	\$250 / day + cost to repair adjacent property

Builder should have name, address, email and phone number on file with the HOA. The HOA management will make every attempt to notify the builder of a violation and the builder will be given 24 hours to address the issue before a fine is implemented. If this is a repeat offense the 24 hour notice may be waved.



Acknowledgement and Agreement: (All Applications):

In the best interest of the BOA, these ACC Guidelines are reviewed and amended as required to preserve the esthetic harmony and quality of construction standards for the community. Compliance is required in accordance with the dated revision number in effect when the application is approved through to completion.

The undersigned property owner acknowledges that he or she has reviewed this application for approval by the ACC and understands and acknowledges that he or she has read and is familiar with the CCRs and the ACC Guidelines and agrees to construct all improvements in accordance with the plans, specifications, and materials samples submitted to and approved by the ACC and in compliance with the ACC Guidelines. The property owner further acknowledges, that any deviation from the application submitted requires separate approval by the ACC.

The undersigned agrees to make application, as required, for any future exterior modifications. The undersigned understands and agrees that neither the ACC nor the BOA is responsible to the property owner or his / her property as a result of the violation of the CCRs, or the ACC Guidelines, by the property owner, the property owner's agents, contractors, and subcontractors. Further, the property owner agrees to indemnify and hold harmless the ACC and the BOA , their agents, officers, directors, and members against the same.

The ACC reviews plans for the purpose of external harmony of design and execution. A review of the plans for compliance with building codes, structural integrity, or any other purpose is the responsibility of others and not the ACC. The ACC, the BOA, their agents, officers, directors and members are not responsible in any manner for damages incurred by the property owner for design or construction deficiencies or design or construction plans and practices in violation of the CCRs. Further, the property owner agrees to comply with all of the information and ACC Guidelines herein and to indemnify and hold harmless the ACC, BOA, their agents, officers, directors and members against the same.

If there is a conflict between the language in these ACC Guidelines and the CCRs, the language in the CCRs will always be the controlling language in interpretation and enforcement.

Signature(s) of Property Owner(s)

Date

Signature of Primary Contractor

Date



Application for New Construction

This application is submitted for approval to the Biscayne Owners Association Architectural Control Committee for construction in accordance with the attached plans, specifications, and materials samples.

1. Property Owner's Name: _____ Phone: _____

Email: _____

2. Lot Address: _____

Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Builder: _____

5. Name and Phone No. of Project Manager: _____

6. Name, Address, and Phone No. of Architect: _____

7. Home Plans (Attach plans and specifications).

Exterior Siding and Trim Materials (Check applicable section/s):

i. (_____) Hardie Plank painted in earth tone colors. Color: _____

ii. (_____) Other materials described as follows: _____



Application for New Construction, Page 2

Roofing Materials in earth tone colors plus galvanized metal. (see section 7.12 of CCRs)

(Check applicable section/s):

- i. () Composite shingle described as follows: _____
- ii. () Tile roofing materials described as follows: _____
- iii. () Standing seam metal roof described as follows: _____
- iv. () Other roofing materials described as follows: _____

Supplemental Information included with application.

- i. () Checklist for New Construction



Checklist for New Construction

Please make sure all of the following items have been included prior to submitting your plans to the BOA Property Manager for ACC approval:

___ CCRs & ACC Guideline Acknowledgment read and signed by all parties, including property owner and builder

___ Copy of builders Certificate of Insurance (Minimum of 1 million in liability required)

___ Complete architectural plans submittals including:

- Site plan drawn on the topographic survey of the lot with all easements, setbacks, finished floor elevation and building height calculations
- Grading plan for lot if lot will be modified from natural grade
- Drainage plan if lot is modified. If lot is not modified, drainage can be shown on site plan.
- Floorplans (PDF is acceptable)
- Electric Plan
- Building Elevations based upon natural or finished grade of the lot,

___ Four corners of house location are staked out on the lot for ACC approval

___ Grinder pump (with the ability to lift) location indicated on plans

___ Complete plans for retaining walls, fences, hedges and landscaping

___ Propane tank location and enclosure walls indicated on plans

___ Swimming pool location, equipment and enclosure walls indicated on plans

___ Fencing material sample (color photograph is acceptable)

___ Roof material

___ Fascia board material

___ All Exterior paint sample(s) (paint chips are acceptable)

___ Driveway plan and materials

___ All Fees in separate checks payable to Biscayne Property Owners' Association

___ Construction Deposit Agreement



Application for Fences, Walls and Hedges
(\$50 application fee)

1. Property Owner's Name: _____ Phone: _____

Email: _____

2. Lot Address: _____

Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____

(☐) **Fence(s)** described as follow: _____

(☐) **Wall/s** described as follows (locate the walls on the site plan and provide an elevation):

(☐) **Hedges** described as follows:

(☐) **Other** described as follows. _____



Application for Landscaping
(\$50 application fee):

1. Property Owner's Name: _____ Phone: _____
Email: _____

2. Lot Address: _____
Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____

1. () Sod/Grass Type

2. () Xeriscape

3. () Trees

4. () Bushes

5. () Hedges

6. () Flower beds

7. () Other described as follows: _____



Application for Pool
(\$50 application fee)

1. Property Owner's Name: _____ Phone: _____
Email: _____
2. Lot Address: _____
Lot No: _____ Section: _____
3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____
6. Describe pool specifications: _____

7. Include the following:
 - i. Site Plan showing pool location
 - ii. Pool Plans
 - iii. Pool Equipment Location
 - iv. Pool Renderings
 - v. Construction Access Point on Lot
 - vi. Proposed Pool Materials

Pool Enclosure Rules and Requirements

The property owner is fully responsible for the safety of all persons within their pool area. For safety reasons a swimming pool is required to be protected by an enclosure that surrounds the pool area. This enclosure and any gates or openings are required to be in compliance with current State Code that can be found in the State Health and Safety Code, Chapter 757 and any subsequent codes or ordinances adopted by Galveston County, GLO or other municipalities that have authority.



Application for Boat Dock:

(\$50 application fee)

The Biscayne Owners Association is not liable for any damage to persons or property that may result from detachment of the dock or any other hazards or events. It is understood that due to the location of these structures on our ponds that the property owner assumes all liability for all damages that may result from their use.

1. Only lots that front the ponds as shown on the plat will be permitted to build a dock.
2. One Dock set on piles at a minimum spacing of 3 feet with open decking not more than 4 feet in width and not more than 20 ft in length shall be permitted for each lot fronting the ponds.
3. Docks shall be constructed using treated wood and shall be left unpainted.

1. Property Owner's Name: _____ Phone: _____

Email: _____

2. Lot Address: _____

Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____

(____) Boat Dock described as follows: _____

Please attach detail drawings.



Application for Remodel
(\$50 application fee):

1. Property Owner's Name: _____ Phone: _____
Email: _____

2. Lot Address: _____
Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____

(___) I request approval of the improvements described as follows:

Attach drawing/s or sketch/s indicating scale to which it is drawn along with required material samples.



Short / Miscellaneous Application:
(\$50 application fee)

This short or miscellaneous application can be used for projects that are small or where there is not a specific application provided above.

1. Property Owner's Name: _____ Phone: _____
Email: _____

2. Lot Address: _____
Lot No: _____ Section: _____

3. Property Owner's Mailing Address: _____

4. Name, Address, and Phone No. of Contractor: _____

5. Name and Phone No. of Project Manager: _____

(☐) I request approval of the improvements described as follows:

Attach drawing/s or sketch/s indicating scale to which it is drawn and required material samples.



Construction Deposit Agreement

In addition to any Fees due, and in compliance with the ACC Guidelines,
_____ (the "Builder") does hereby deposit with the Biscayne Owners
Association (the "BOA") the sum of \$ _____ (the "Construction Deposit") and
agrees to the following terms and conditions.

TERMS AND CONDITIONS

This agreement is between the builder and the BOA

The Construction Deposit shall be held as security against:

- violation of the ACC Guidelines and fines incurred for such violations.
- any damage caused to BOA's Common Areas, streets, or other Property Owner's Lot(s), and all improvements, structures, landscaping, and personal property attached hereto or located thereon, which damage is caused by the acts and/or omissions of the general contractor and/or any employee, agent or subcontractor of the Property Owner or general contractor in connection with the construction of improvements on the Property Owner's Lot.

Within a reasonable period of time of notification of the occurrence of any violation of the ACC Guidelines to the Biscayne Owners Association Architectural Control Committee (the "ACC"), the amount of the Construction Deposit to be used as a fine amount in accordance with the ACC Guidelines, if any, shall be approved in writing by a majority of the ACC. The ACC may postpone its review of payment of fines pending receipt of any information which the ACC, in its sole discretion, may require. A copy of the ACC decision shall be delivered to the builder via electronic mail or at the address registered with the BOA.

If the builder wishes to contest the ACC's decision to use any or all of the Construction Deposit as described above, he/she must, within ten (10) days after the date of ACC approval, submit a written request to the ACC for a hearing before the ACC. The ACC shall schedule such a hearing as part of the larger agenda of a regular or special ACC meeting and send written notice of the hearing date to the builder no less than five (5) days prior to the date. The ACC, by majority vote, shall determine the amount of the Construction Deposit to be used, if any.

Upon the occurrence of any such damage to BOA Common Areas, neighboring / adjoining lot(s), or BOA or personal owned property, the ACC from time to time, and without prejudice to any other remedy, may use the Construction Deposit to the extent necessary to repair such damage or pay to the affected party the cost to repair such damage. It is expressly understood that the use of any or all of the Construction Deposit shall not be considered a measure of the damage nor release the Property Owner from paying additional amounts if the total damage exceeds the amount of the Construction Deposit.

Any amounts used for fines or repairs will be automatically deducted from the Construction Deposit. If the balance of the Construction Deposit reduces to under 50% of the original Construction Deposit amount, the ACC reserves the right to have additional funds added to bring the balance back to the original Construction Deposit Amount.



The ACC shall not be liable to the builder or to any other person for any loss, damage, or injury arising out of the payment or nonpayment of the Construction Deposit funds unless such loss, damage, or injury is due to the willful misconduct or bad faith of the ACC.

During construction, it is the responsibility of builder and Property Owner to carry the necessary hazard and liability insurance. This Construction Deposit is not intended to be used to remedy any sort of insurance claim.

Upon final completion of the construction of a homesite or project, as per the approved plans and specifications, including landscaping and sufficient revegetation, and a final inspection by the ACC, the ACC shall perform an audit and accounting of the construction deposit and the balance of the construction deposit to be refunded to the builder if that is their last home to be constructed.

The ACC has 30 days to refund the balance of the Construction Deposit from the date it agrees to the refund.

If Builder has multiple construction projects going then each one will be added to this agreement. Should deductions be made from the initial deposit of \$5000 is the expected that the builder would replenish the funds within 10 days to maintain the \$5000 deposit. The refund of the deposit would not be made until the last active project is completed. No interest shall be payable upon the Construction Deposit.

By signature below, the ACC acknowledges receipt of the Construction Deposit.

Executed on the ____ Day of _____, 20__

Builder: _____

Section _____ Lot # _____ Block _____

Address: _____

ACC Representative or BOA Property Manager

By: _____

Additional addresses Builder is constructing:

Section _____ Lot # _____ Block _____

Section _____ Lot # _____ Block _____

Section _____ Lot # _____ Block _____

Section _____ Lot # _____ Block _____



Certificate Relating to the Biscayne Owners Association

STATE OF TEXAS }

COUNTY OF GALVESTON }

I, Mark De Santis, President of Biscayne Owners' Association, Inc., do hereby certify that the attached Architectural Control Committee Guidelines ("ACC Guidelines") were approved by the Biscayne Owners' Association, Inc. Board of Directors on October 5, 2022

The property subject to these ACC guidelines is the property more particularly described in Biscayne's Declaration of Covenants, Conditions and Restrictions recorded in Document No. 2003046626, July 10, 2003 of the Official Public Records of Galveston County, Texas, as may be amended from time to time.

The ACC Guidelines attached hereto are to be the official ACC Guidelines for the Biscayne Owners Association to be recorded with the Official Public Records of Galveston County, Texas.

Executed this 19th day of January 2021 to be effective immediately.

BISCAYNE OWNERS' ASSOCIATION, INC.

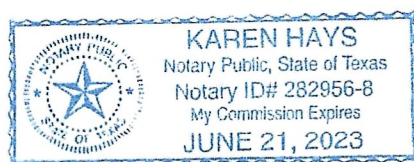
Mark De Santis, President

STATE OF TEXAS }

COUNTY OF GALVESTON }

This instrument was acknowledged before me on January 19, 2023 by Mark DeSantis, President of Biscayne Property Owners' Association, Inc.

Notary Public, State of Texas



FILED AND RECORDED

Instrument Number: 2023003026

Recording Fee: 118.00

Number Of Pages: 25

Filing and Recording Date: 01/19/2023 2:17PM

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Galveston County, Texas.



A handwritten signature in black ink that reads "Dwight D. Sullivan". The signature is written in a cursive style with a large, sweeping "S" at the end.

Dwight D. Sullivan, County Clerk
Galveston County, Texas

NOTICE: It is a crime to intentionally or knowingly file a fraudulent court record or instrument with the clerk.

DO NOT DESTROY - *Warning, this document is part of the Official Public Record.*