

Padre Isles Property Owners Association, Inc.

Architectural Control Committee Guidelines for Policy, Procedure & Construction Standards

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1. ARCHITECTURAL CONTROL COMMITTEE – GENERAL INFORMATION

Authority

The Protective Covenants and Landowners Agreements filed of record for each subdivision within the Padre Isles Property Owners Association (PIPOA) establishes the Architectural Control Committee (ACC).

The ACC is charged with reviewing and approving plans and specifications for proposed residences, structures and improvements so to ensure compliance with the Protective Covenants.

The full provisions of the Protective Covenants extend to all segments of development and include a key provision outlining the authority of the ACC as follows:

“No building, structure or improvement of any nature shall be erected, placed, or altered on any lot until the construction plans and specifications and a plan showing the location of such building, structure or improvement have been approved by the Committee...”.

Composition of the ACC

- The ACC is composed of five (5) volunteers appointed by a majority vote of the Board of Directors.
- The ACC functions under the policies established and direction given by the Board; however, the policies and direction promulgated by the Board shall, in no event, conflict with the provisions of the Covenants.
- The term of office of an ACC member shall be three (3) years. A member shall not serve more than two (2) terms of office, consecutive or otherwise. Should a vacancy occur prior to the expiration of a normal term of office, the Board will, by a majority vote, appoint a qualified person to fill the unexpired portion of the term.
- The Chairman of the ACC, whose chairmanship shall be one (1) year, shall be appointed or removed by a majority vote of the Board. A member of the ACC may be removed with or without cause by a majority vote of the Board.
- No member of the ACC, or his/her designated representative, shall be entitled to or accept compensation for services performed hereunder.
- A member of the Board, a spouse of a board member, or a person who resides with a board member shall not also serve as a member of the ACC.
- Consultants (paid or otherwise), advisors, inspectors or any individual performing services required by the mission of the ACC shall be appointed by the Board.

ACC Meetings

The ACC will meet on a monthly or as-needed basis at the PIPOA office or other designated locations with appropriate notice. Meeting agendas and minutes will be posted to the PIPOA website at <https://padreislespoa.net/>.

2. ACC REVIEW & GRIEVANCE PROCESS

Review Process

- To request ACC approval, an owner completes an ACC application form and submits it and required plans and specifications to the ACC Coordinator.
- The ACC Coordinator reviews the application to ensure completeness and required fees paid. An incomplete application with missing information will be brought to the attention of the owner before making it available to the ACC for review.
- The ACC Coordinator will request a bulkhead inspection for any proposed construction landside of the bulkhead.
- The ACC reviews the application to ensure compliance with the Protective Covenants.
- Upon ACC review, an owner will receive a written approval or denial determination notice. There is no verbal approval.
- In the case of a denial, the denial notice will 1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvement required as a condition to approval and 2) inform the owner that the owner may request a hearing with the Board on or before the 30th day after the date the notice was mailed to the owner.
- A fully completed application request will be reviewed by the ACC within 15 to 30 days. If a completed request fails to be approved after 30 days, approval is presumed, provided an application in full compliance with the applicable Protective Covenants and these guidelines has been properly submitted to the ACC and no lawsuit to enjoin the construction has been commenced by the PIPOA prior to the completion of the construction.

Grievance Process

A decision by the ACC denying a request by an owner for the construction of improvements may be appealed to the Board. The Board shall hold a hearing under this section not later than the 30th day after the date the Board receives an owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. Only one hearing is required.

During a hearing, the Board and the owner or the owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's request for the construction of improvements, and the changes, if any, requested by the ACC in the notice provided to the owner.

The Board or the owner may request a postponement. If requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.

The PIPOA or the owner may make an audio recording of the meeting.

The Board may affirm, modify, or reverse, in whole or in part, any decision of the ACC as consistent with the Protective Covenants for the applicable subdivision.

3. ACC APPLICATION REQUIREMENTS

New Homes and Major Additions to Existing Homes

Applications for new homes and major additions to existing homes shall contain at least the following:

- Completed [ACC New Home Application Form](#).
- Site plan with complete legal description and city address, showing building, property and mooring line setbacks, easements, driveway, outbuilding, sidewalks, and, if proposed, patios, fencing, and swimming pools.
- Floors, showing square footage of living areas, garages, breezeways, etc.
- Exterior elevations (four directions), showing composition of walls, window and door locations, chimney, wing walls, and roof configurations.
- Foundation, covering all concrete work to be done on this site.
- Joist framing and (if used) truss design.
- Roof sections, showing materials used in each, including roof pitch.
- Elevation certificate
- See DESIGN REQUIREMENTS & SPECIFICATIONS for additional requirements.

Structures and Improvements (Projects)

Applications for projects such as fencing, sheds, decks and docks, inground pools, and minor additions to an existing home not included on a new home plan shall include at least the following:

- Completed [ACC Project Application Form](#).
- Site plan clearly showing the location of the proposed project on the property and in relation to building, property and mooring lines and utility easements, exterior elevations (all sides), composition of materials, and all dimensions.
- See DESIGN REQUIREMENTS & SPECIFICATIONS for additional requirements based on project type.

Fee Structure

A nonrefundable ACC application fee, based on the project type, must be submitted with each set of plans prior to the commencement of construction. The purpose of the fee is to cover professional services and technical services, including bulkhead inspections and processing reviews.

- Project Type
 - New Home/Major Addition – Waterfront (Canal) Lot: \$150
 - New Home/Major Addition – Land Lot: \$100
 - Inground Pool – Waterfront (Canal) Lot: \$150
 - All other projects (i.e., decks/docks, shade structures, fences): \$ 50

4. SPECIAL CONDITIONS

Auto-Approvals

The following improvements are considered auto-approved by the ACC. An ACC application is not required.

- Concrete flatwork
- Electrical/mechanical/plumbing modifications
- Floating boat lifts (not permanently secured) and the lift and vessel are within the stated mooring area
- Landscaping
- Outdoor recreational furniture, swing sets, pet houses, or portable equipment.
- Roof replacements
- Storage sheds less than 200 cubic feet in volume
- Whole house generators

Non-Conforming Existing Structures

The existence of structures that do not conform to the Protective Covenants shall not be used by property owners as evidence that such structures are permissible.

Repairs/Replacements

- **Minor repairs/general maintenance** of previously ACC-approved projects (i.e., replacing broken fence pickets) does **not** require a second ACC approval.
- **Major repairs or total replacements of previously ACC-approved projects** (i.e., replacing pilings, structural components of a deck, retaining walls) **does** require a second ACC approval.

HOWEVER, the ACC will conduct a review of a replacement project based on the archived/previously approved plans if **1)** no new design or change is incorporated as part of the replacement project and **2)** the archived plans are available. Owners may contact the ACC Coordinator for assistance in obtaining archived plans. There is no fee associated with a review of archived and previously ACC-approved projects, but an application is required.

IMPORTANTLY, if archived plans are not available, owners are required to submit an ACC application with “new” plans following the standard process and fees.

5. CONSTRUCTION GUIDELINES

Bulkheads

NO structure or improvement of any kind may be built on, rest on, or attached to the bulkhead to include the bulkhead cap, panels or tiebacks. **No additional stress or load shall be placed on the bulkhead.**

The bulkhead will be inspected by the PIPOA when construction adjacent to the bulkhead or restrictive building line is planned. The location of the tiebacks will be marked as part of the inspection.

The ACC strongly recommends owners maintain 24 inches of open space landside of the bulkhead for bulkhead inspections and/or repairs.

Owners are responsible for all labor and costs to remove obstructions/improvements installed adjacent to the bulkhead should bulkhead repairs be required.

Owners are responsible for drainage management and to ensure stormwater does not cause a washout.

Local Building Codes/Ordinances – Permitting

Certain improvements may require a building permit from the City of Corpus Christi. Those requirements are separate from and beyond the scope of this document. **It is a property owner's responsibility to obtain all governmental building permits and comply with all building codes.**

- ACC approval **IS** required even in instances where a city building permit is not required.
- ACC approval does **NOT** imply that a city building permits will be granted.
- The issuance of a city building permit does **NOT** imply that ACC approval will be granted.
- In all instances, ACC approval **IS** based on the Protective Covenants and the aesthetics of proposed construction. ACC approval is **NOT** to be taken as any certification of construction worthiness or structural integrity.

Start & Completion Dates of Construction

Construction must begin within three (3) months after the approval of the plans by the ACC. Completion of such improvements must not take more than nine (9) months from the start of construction, unless delayed for some reason beyond owner's control, in which event the ACC may extend the foregoing time limits. For certain commercial or multi-family projects, completion of such improvements must take no longer than eighteen (18) months from the start of construction

6. DESIGN REQUIREMENTS & SPECIFICATIONS

Residences & Commercial Buildings

- Design Requirements
 - **Single Family Homes** - No two single family homes of substantially identical external design features will be approved within a 300-foot radius of each other. Homes within this 300-foot radius with similar floor plans must have a minimum of five (5) distinctive external design features to include, but not necessarily limited to: roof type/pitch, roofing material (e.g., metal, composition, tile), window/door placement and design, and/or siding material. It is incumbent upon a property owner to ensure that a proposed residence does not duplicate existing residences within 300 feet in all directions.
 - **Multi-Family Homes** - The ACC makes no specific rulings for design repetitions of multi-family residences. Identical or essentially identical designs that are planned to be built and located in such a way they present to the casual observer the idea that the units are a part of a single, large unit will be approved. Plans to merely place two or more identical units near or in the general vicinity of one will not be approved.
 - **Commercial Property** - The ACC makes no specific rulings for designs of commercial property.

- Specifications
 - Roof Pitch (*for single and multi-family homes*): Unless the roof has a flat pitch, the major (largest) portion of a **METAL** roof must have a pitch of at least 2/12 (2 inches vertical for each 12 inches horizontal). The major (largest) portion of a **COMPOSITIONAL SHINGLE** roof must have a pitch of at least 5/12 (5 inches vertical for each 12 inches horizontal).
 - Minimum Floor Areas (square footage): Requirements vary by subdivision. Owners should refer to Protective Covenants for their subdivision or the PIPOA for specifics.
 - Maximum Height of Home: Requirements vary by subdivision. Owners should refer to Protective Covenants for their subdivision or the PIPOA for specifics.
 - In the interest of structural integrity, esthetics, use of best practices in construction and materials, and to ensure no additional stress or load is placed on the bulkhead for canal front lots, architectural and engineered plans are required. Appropriateness in the design, color and engineering will be factors taken into consideration for approval.

Decks, Docks, Mooring Facilities and Boat Lifts

- Definitions

- Deck - A platform (usually consisting of wood frame, and usually extending over water) that has a height exceeding that of the bulkhead. No lattice work is allowed.
- Dock – A platform over water with a height not exceeding that of the bulkhead.
- Mooring Facility – Usually a narrow dock to which a boat can be tied.

When planning to build over canal waters, consider whether a vessel will be moored to the structure. Mooring a vessel with the stern facing or near the bulkhead can cause a significant amount of sand to be removed by the turning of a propeller and creating a potential bulkhead collapse.

- Design Requirements

- Patio Lot - Includes ownership of a portion of the adjacent canal/submerged land and approved construction extends to the typical 25' water building line. Structures that are permitted include, decks, docks, mooring facilities and boat lifts.
- Garden/Mooring Lot - Does not include ownership of a portion of submerged land. Approved mooring facilities extend to either a 10-foot or 15-foot limit. Structures that are permitted include docks and mooring facilities. Decks are not permitted in mooring areas except above a boat lift.
- Mooring Facility - A Mooring Facility will usually consist of a narrow dock where pilings may be installed at the 10- or 15-foot limit. For 10-foot limited mooring areas only, pilings may be installed within 10 feet from the bulkhead and a walkway may be attached that is cantilevered to extend 18 inches beyond the 10-foot limit.

- Specifications

- In the interest of structural integrity, esthetics, use of best practices in construction and materials, and to ensure no additional stress or load is placed on the bulkhead, applications for decks, docks, mooring facilities and boat lifts, as well as the installation of new pilings, shall include engineered plans. Appropriateness in the design and engineering will be factors taken into consideration for approval.
- No portion of a dock may exceed the height of the bulkhead. Deck boards should not be placed so to interfere with the bulkhead.
- A five-foot setback from each side property line must be observed for all overwater structures.
- Only stainless-steel fasteners will be considered acceptable.

Fencing/Walls (Security)

- Definitions

- Fences – Enclosing structures that are normally made of wood, vinyl or approved tension wire. No chain link or metal fences.
- Walls – Enclosing structures that are made of masonry material such as brick, stone or a stucco finish. Walls are considered as an extension of a house structure and should conform to design, color and esthetics of the house and neighborhood.

- Design Requirements

- Effective 09/01/2021: Newly enacted Section 202.023 of the Texas Property Code prohibits a property owners association from adopting or enforcing a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence. A perimeter fence is a fence that is located on the property border or boundary line and Section 202.023 limits the ability of a property owner association to restrict a property owner from building or installing a fence that encloses the front yard of his or her property.
- **Section 202.023, however, does not prohibit a property owners association from regulating the type of fencing that a property owner may install, which includes fence designs and construction materials. Therefore, ACC applications are required for new fences or walls.**

- Specifications

- **Fences and Gates** - Posts, rails and slats may consist of cedar, redwood, treated wood, vinyl or other material deemed appropriate by the ACC. For vinyl fencing, the ACC requires 100% virgin vinyl to avoid cracking and yellowing. Installation procedures should be according to a manufacturer's guidelines, except that posts can be no more than six feet apart and be set in concrete at least 36" deep.

Fence posts must be a minimum of 4" x 4" wood material (treated, cedar or redwood) set at least 36" in the ground with concrete and will be no farther than six feet apart. Top and bottom rails must be a minimum of 2" x 4" wood material, triple nailed into posts with #16 galvanized box nails, and properly attached with hurricane straps. Mid rails are recommended and should be fastened in the same manner.

One-inch (1") slats or face boards must be double nailed with #6 or larger galvanized nails. Stainless steel screws are acceptable but must be #6 nails or longer. Thicker slats will require longer nails or screws. Slats may face out or in on side yard fences but must face out on front fences or on canals so that the framework is hidden.

- **Walls** - Custom walls may consist of masonry products such as brick, stone, concrete, Hardi-Plank, or cinderblock with a stucco finish, or a framed wall with stuccofinish.

In the interest of structural integrity, esthetics, use of best practices in construction and materials, applications for walls should include engineered plans. Appropriateness in the design, color and engineering will be factors taken into consideration for approval.

Inground Pools

The location of an inground pool is the primary concern of the ACC. Inground pools may be installed in any portion of the property that does not include easements or setbacks. On canal lots, the location of the tiebacks must be considered when placing a pool in the rear yard area. It is likely that a portion of the yard will have to be elevated so that the pool does not extend to the tiebacks. Retaining walls will then be required.

- Specifications
 - **For canal front properties:** In the interest of structural integrity, use of best practices in construction and materials, and to ensure no additional stress or load is placed on the bulkhead, applications for inground pools on canal front properties shall include engineered plans.

Retaining Walls

Lot elevations are meant to slope toward streets and canal waters to facilitate drainage. Owners who wish to level portions of their yards will need to install retaining walls to hold back the soil.

- Specifications
 - Retaining walls are constructed of concrete or concrete block.
 - Retaining walls may extend to a maximum height of four feet (4'). Applications for retaining walls **exceeding a height of three feet (3')** shall include engineered plans to ensure no additional stress or load is placed on the bulkhead. Homeowners are encouraged, but not required to seek an engineer certification for retaining walls of lesser height as well.
 - A fence or barrier should be installed on top of a retaining wall taller than three feet (3').

Palapa/Pergola (Shade Structures)

All such covers are defined as permanent structures.

- Specifications
 - In the interest of structural integrity, esthetics, use of best practices in construction and materials, applications for shade structures should be accompanied with engineered plans. Appropriateness in the design, color and engineering will be factors taken into consideration for approval.

Storage Sheds

Sheds are buildings designed to hold yard tools, boating equipment, work tools, bicycles, etc. Sheds are not meant to house guests or serve as sleeping quarters.

- Specifications
 - Sheds or containers less than ***200 cubic feet in volume*** do not require ACC approval. All other storage sheds must follow the ACC review process.
 - Sheds must be built within the building lines of a lot.
 - Style and exterior color must be complimentary to the existing home. Wood, vinyl, brick, and stucco are acceptable exterior coverings for walls. ***Metal of any sort is not an acceptable covering for walls.*** Roofs should be covered with acceptable roofing materials to match the house.
 - Prefabricated sheds are acceptable provided the style and color are approved by the ACC.
 - In the interest of structural integrity, esthetics, use of best practices in construction and materials, applications for storage sheds should include engineered plans. Appropriateness in the design, color and engineering will be factors taken into consideration for approval.

7. FREQUENTLY ASKED QUESTIONS

- **I have a permit from the City of Corpus Christi/Development Services, do I still need ACC approval?**
 - Yes. The city is a totally separate entity from the PIPOA and has its own set of “guidelines” (ordinances) to follow.
- **My project does not require a permit from the City of Corpus Christi/Development Services, do I still need ACC approval?**
 - Yes. Again, the PIPOA is a separate entity from the city. For certain projects, a city building permit is not required. But, the governing documents for all properties within the PIPOA require ACC review for new construction.
- **Our builder/contractor wants to submit my project application to the ACC, is that okay?**
 - Yes, provided your contact information (e.g., name, address, phone number and email address) is included on the application form. Importantly, **the property owner is responsible for ensuring all ACC approvals and local city codes/ordinances are followed.**
- **Do I need ACC approval for a repair project? What about repairs to an improvement previously approved by the ACC?**
 - Please see SPECIAL CONDITIONS section above.
- **I want to landscape my yard with sod, trees and bushes, and rocks. Is ACC approval required?**
 - No, landscaping is an auto-approved project.