

**ARCHITECTURAL CONTROL COMMITTEE  
POLICIES & PROCEDURES  
OF  
THE DIAMONDHEAD COMMUNITY PROPERTY OWNERS  
ASSOCIATION**

**ARCHITECTURAL AND BUILDING REGULATIONS**

**As Approved By the Diamondhead Property Owners Association Board of Directors  
March 28, 1996**

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## ACC POLICIES & PROCEDURES

<b>TABLE OF CONTENTS</b>	<b>2-3</b>
<b>I. INTRODUCTION</b>	<b>4</b>
<b>II. ARCHITECTURAL CONTROL COMMITTEE</b>	<b>4</b>
Definition	
Function and Authority	
Building Inspector	
Coordinator	
<b>III. BUILDING PERMIT</b>	<b>5</b>
<b>IV. BUILDING PERMIT ISSUANCE</b>	<b>6</b>
Forms	
Evidence of Ownership	
Approved Drawings	
Plot Plan	
Elevations	
Floor Plan	
Survey	
Septic System	
Licenses	
Concrete Driveway	
Parking	
<b>V. BUILDING GUIDELINES AND RESTRICTIONS</b>	<b>8</b>
Criteria	
Intent	
Electrical	
Plumbing	
Esthetic Value	
Lake Catherine	
Combustible Materials	
<b>VI. INSPECTIONS AND APPROVALS</b>	<b>9</b>
Inspections	
Re-Inspections	
Sewer System Inspection	
Occupancy	

<b>VII. GENERAL RESPONSIBILITIES OF BUILDERS</b>	<b>10</b>
Financial	
Builder Regulations	
Documentation	
Permit Fees	
<b>VIII. ADDITIONAL RESPONSIBILITIES</b>	<b>10</b>
Debris	
Excavations	
Building Equipment	
Penalties	
<b>IX. STATE, COUNTY, POLITICAL SUB-DIVISION RULES AND REGULATIONS</b>	<b>11</b>
<b>X. FLOOD PLAIN RESTRICTIONS</b>	<b>11</b>
<b>XI. FORMS</b>	
Building Permit Application	<b>12</b>
Waiver of Liability Regarding Residential Building Contractors	<b>13</b>
Acknowledgment Form	<b>14</b>
Sub-Contractor List	<b>15</b>
Building Permit Fee Schedule	<b>16</b>
Site Plan	<b>17</b>
Site Plan Example	<b>18</b>
<b>XII. BUILDING PERMITS</b>	<b>19</b>
<b>XIII. ROADMAP FOR OBTAINING BUILDING PERMITS</b>	<b>20</b>

## ACC POLICIES & PROCEDURES

### **I. INTRODUCTION:** The purpose of the regulations is to:

Maintain general harmony of construction,  
Assure conformity with the natural surroundings,  
Assist in the protection of the homeowner and,  
Provide proper interpretation of applicable building codes.

### **II. ARCHITECTURAL CONTROL COMMITTEE**

**Definition:** An Architectural Control Committee (hereinafter designated “ACC”) shall be appointed by the Board of Directors of the Diamondhead Property Owners Association, (DPOA). The ACC shall have the authority and responsibility to approve or disapprove all residence and commercial, construction within the confines of what is known as The Diamondhead Community.

**Function and Authority:** The ACC shall have the responsibility for maintaining the general harmony of all construction and fire and pollution control in The Diamondhead Community. The ACC shall have the authority to:

1. Approve or disapprove plans and specifications,
2. Request the Manager of the DPOA to halt construction if there is evidence that construction is not in accordance with approved plans, all relevant building codes and/or regulations.
3. The ACC has authority to grant variances to these guidelines, providing the variance is not in conflict with the Bill of Assurance or any other applicable building codes.

#### **Building Inspector:**

1. A person who has had adequate experience as a building inspector, builder, engineer, architect, or as a foreman, superintendent, or competent mechanic in charge of construction, will be appointed as a “non-voting” member of the ACC and perform the duties of “Building Inspector”.
2. The building inspector may designate a qualified assistant who shall, during his absence or disability, exercise all the powers of the appointed building inspector. The ACC will be promptly notified whenever his assistant performs an inspection.
3. The building inspector will provide a status report to the ACC Chairperson on all new home construction by the 15<sup>th</sup> of each month in order for that report to be presented at the monthly Town Meeting of the DPOA.
4. The building inspector, or his duly authorized representative, may enter any building, structure, or premises, to perform any duty imposed upon him by all applicable codes or regulations.

### **III. BUILDING PERMIT**

#### **A. A permit is required for:**

1. Major Lot preparation activity of any type, which includes but is not limited to clearing, landscaping, logging and septic preparation.
2. All new construction.
3. Repairs, alterations or remodeling if it affects the structure, plumbing, electrical, or aesthetic value, or any repair that would involve a particular Code of Regulation.
4. The installation or replacement of a propane tank.
5. Installation of fences.
  - a. A permit is required for the construction or replacement of any fence or screening on a lot. The application must describe the type, height, length, material and color of the proposed fence. The location must be shown on an accurately drawn plot plan. If the fence is to be located on a lot line, there must be written concurrence of the adjacent property owner. A permit is not required for a fence or wall made with live plants.
  - b. Fences are not permitted between the home and adjacent streets except for decorative fences, i.e. split rail or similar type material.
  - c. All fence construction must be compatible with the surrounding area and not exceed 4 feet in height, unless otherwise approved by the ACC. Barbed wire, D-Apron, or other types of fence of a hazardous nature are specifically prohibited on residential lots. For security purposes, type of fence usage on commercial property will be considered on an individual basis.
  - d. Privacy screening should be aesthetically pleasing and will be reviewed on an individual basis.
  - e. Fences to be erected on lake and golf course areas cannot be closer than twenty (20) feet to the lake or golf course (for the purpose of these regulations the out-of-bounds mark will be the boundary of the golf course).
  - f. Any fence that can be viewed from the golf course or lake must be landscaped from the viewing side. Any planting of vines, shrubs, trees, bamboo or other types of vegetation must be controlled as not to grow, spread or extend onto adjoining residential properties.
  - g. Pet fence enclosures must be landscaped from viewing side of road, lake or golf course.
  - h. Maintenance of fences will be the responsibility of the property owner.
6. All sheds (free standing structures used for any kind of storage) constructed on a lot must meet the following conditions:
  - a. The structure cannot be more than 280 square feet in dimension.
  - b. The structure must be built or placed on a poured concrete slab, continuous block or concrete foundation and be anchored to the foundation.
  - c. The structure must be in architectural harmony with the residence, which includes style, roof, siding, brick, paint, etc.
  - d. The structure must be located in harmony with the residence and cannot be any closer to the public road than the closest point of the residence to said public road. The structure must respect building set back lines.

- e. Windows or doors must be installed on all openings of the structure.
  - f. Must meet all sections of Southern Building Code.
7. Recreational vehicles (RV) are defined as a motor home or travel trailer of any type. A permit must be obtained for parking an RV at a home after June 1999.
- a. RV facilities must respect all setbacks as defined in the Diamondhead Bill of Assurance.
  - b. On golf course lots, RV's cannot be on the side of the lot facing the golf course unless in an enclosed facility.
  - c. Permit fees for RV parking facility construction will use the existing fee structure as set forth by the Diamondhead Property Owners Association Architectural Control Committee.
  - d. Minimum requirements for obtaining a permit:
    - 1. A drawing must be provided showing the location of the RV facility with respect to the property lines.
    - 2. All utility hook-ups must meet the existing code requirements.
    - 3. RV's must have a permanently constructed parking area having gravel or paved surface.
    - 4. For facilities existing prior to January 1, 1999, a permit will be issued at no charge, providing the existing facility meets the requirements herein.
    - 5. RV's may be used for guest accommodations for not more than fourteen (14) days. RV's cannot be used as a residence.
8. Absolutely no lot preparation or construction as defined above, shall be commenced until the property owner or building contractor has possession of a signed permit except: if a repair is an emergency, work may be started immediately with the understanding that a permit will be obtained as soon as practical. Said permit must be posted in a prominent location that can be seen from the street.

#### **IV. BUILDING PERMIT ISSUANCE**

A property owner and/or building contractor must submit to the DPOA office, two (2) copies of proposed drawings. The DPOA office will immediately notify the Chairman of the ACC or his representative and contact the authorized licensed inspector who will review subject drawings. A meeting to consider the application for a Building Permit will be convened as soon as practical; at which time the inspector will submit his recommendations and/or changes to the plans. All of the following documents must be approved before a permit is granted:

A. Forms (Obtained at the DPOA office)

- 1. Permit Application
- 2. Sub-Contractor List
- 3. Acknowledgment

B. Legal Evidence of Ownership: A copy of Warranty Deed must be presented with verification from the DPOA office that all dues are paid.

C. Two Complete Sets of Approved Drawings must be drawn by Architect, Engineer or Draftsman.

- 1. One set will be returned to the builder/homeowner.
- 2. One set will be retained by the ACC for the inspector. (This will be returned to the builder/homeowner upon completion if requested.)

- D. Electric Distribution Plan: Identify all circuits including load capacity.
- E. Plot Plan: Show the location of the construction on the site, with the measurement to all property lines and related items such as: decks, patios, air-conditioning condenser, storage tanks, walks, fences, drives, and minimal landscaping. A general sketch will show the size and location of the septic tank, pump tank, and field lines. Any other pertinent items in conjunction with the construction must be shown.
- F. Elevations: At least two elevations depicting the building and related items in relationship to the grade and rooflines. Major exterior materials and finishes descriptions must be provided.
- G. Floor Plan: Complete floor plans specifying all exterior dimensions and including decks, porches, all built-in electrical and gas items. **No home shall have less than 1500 sq. ft. of living space on the main floor exclusive of porch area. (Amended by Developer/Grantor Feb. 1, 2005)**
- H. Survey: Designated lot boundaries by pin settings must be made available.
- I. Septic System: A Certificate of Approval from the Arkansas State Department of Health, along with a detailed layout of the system is required. A letter is required from Riviera Utilities, if the septic system is to be integrated into their gray water system (sewer line). Each letter submitted must specifically signify the “911 emergency” street address as well as the section where the lot is located.
- J. Licenses: All workers who are required to be licensed by the state of Arkansas must provide their licenses and/or current certification to the ACC before performing any work.
- K. Driveways: Driveways must be paved surfaces using concrete or asphalt material and must extend to the existing edge of the street. An expansion joint is required 3-5 feet from the street.
- L. Parking: All homes must have a roofed parking area (carport or garage) off the road. This area must have a surface that is consistent with the driveway.

## **V. BUILDING GUIDELINES AND RESTRICTIONS**

A. Criteria: All construction must be in compliance with:

1. Southern Building Code Congress International, Inc. with amendments.
2. The latest edition: Dwelling House Construction, with amendments.
3. The Diamondhead Community Bill of Assurance, with amendments.
4. Manufacturer's recommendations for installation of materials, equipment, appliances, etc.
5. The Diamondhead Community Architectural and Building Regulations, with amendments.

B. Intent: The purpose of these guidelines is to maintain general harmony of construction and to meet the standards required herein with consideration given to: general design criteria, proportion and adaptation to the setting, fire safety and pollution control as caused by waste disposal.

C. Electrical: **All electrical installation must conform to the national electrical code and installed by a licensed electrician.** Panel boxes may be located on the interior of dwellings, but all main service lines to the panel boxes must be approved copper wiring. Panels mounted on the interior of the dwelling must be a minimum of six (6) feet above grade and be readily accessible. No panel box may be mounted in a water heater or warm air furnace closet. All panels in new construction must be equipped with full size circuit breakers. A ½ size circuit breaker can only be used to add-on in existing structures. All wiring from the load side of the meter must be copper wire.

D. Plumbing: **All plumbing must conform to the Arkansas State Plumbing Code and be installed by an Arkansas licensed plumber.** A pressure regulator and water shutoff valve shall be placed in a location that can be readily inspected at the water meter, or at the entrance to the building or immediately inside the building. At least one accessible shutoff valve must be installed inside the home. Absolutely no lead pipes or lead solder will be utilized in the plumbing systems. No flammable fuel line shall be located beneath or within a concrete slab of a house, deck, carport or garage. No building or structure shall be occupied as a residence or business unless all plumbing fixtures, dishwashers, toilets, and lavatories are installed indoors and connected to a sewage disposal system. Nothing herein contained to the contrary shall prevent the installation and operations of a sanitary sewage facility, water district, or other governmental authority in the subdivision. No draining or dumping of any kind (except rain drainage) shall be allowed directly into lakes, streams, ditches or open fields. Equipment and installation to provide the above described sewage disposal system shall be in accordance with the State of Arkansas Laws of Waste Disposal. It is the responsibility and function of the Arkansas State Department of Health (ASDH) to inspect and approve the septic system.

E. Aesthetic Value: Due to the irregular terrain of The Diamondhead Community, the height of a building is ambiguous. However, the intent of height restriction is to preserve the natural beauty, view, and general harmony of Diamondhead. Therefore, if in the opinion of the ACC the height of a dwelling is objectionable, the plans will be disapproved. Any dwelling that is connected to a carport or garage by a covered area will be considered a single-family dwelling. Temporary carports or garages shall be for the duration of construction only. Metal prefabricated carports, as permanent structures, are not permitted.

F. Lake Catherine: Lake Catherine and the shoreline, to the high water mark, is the property of Entergy. Any dock, boathouse or deck within this area is an encroachment on Entergy property and requires a permit from Entergy. Any building or boathouse totally or partially on Diamondhead property requires a permit from the ACC.

G. Combustible Material: Bulk storage of any combustible and/or flammable fuels shall be in tanks, containers or storage devices specifically designed for that purpose. No storage device shall be closer than twenty (20) feet to the residence or garage structure and no closer than ten (10) feet to any property line. The ACC will closely examine the site of any proposed storage device for safety and appearance. The use of any temporary storage device during construction must be approved by the ACC.

## **VI. INSPECTIONS AND APPROVALS**

A. Inspections: The Inspector must be notified no later than twenty-four (24) hours prior to all required inspections. Members of the ACC, or a properly appointed inspector, shall have access to the construction site and all portions thereof for the purpose of inspections in respect to the building code. In the event of noncompliance of any section of applicable codes that cannot be resolved to the inspector's satisfaction and after the ACC has reviewed the alleged violations and ascertained in fact that there is Building Code violations, a "stop work order" recommendation will be made to the DPOA general manager. A written notice will be mailed to the builder and/or property owner outlining said violations to include an order to halt all further construction until the inspector is satisfied that the subject corrections have been made. One copy each of this letter will be:

1. Placed in the homeowner's file at the DPOA office,
2. Sent to the Ex-Officio DPOA Board member,
3. Sent to the inspector, and each member of the ACC,

Inspections not scheduled between 8:00 a.m.-4:00 p.m. weekdays, or scheduled on weekends or holidays will be \$45 each.

### **\* REQUIRED INSPECTIONS**

Footing with steel in place  
Rough Plumbing under slab (open trench)  
Slab with wire mesh and steel in place or Joist Construction with Rough Plumbing  
Framing / Roof  
Tub Set and Top Out  
Rough Mechanical  
Rough Electric  
Final Mechanical  
Final Electric  
Final Plumbing  
Water and Sewer hook-up complete  
Final Building Inspection

**\* CERTIFICATE OF OCCUPANCY WILL BE ISSUED WHEN ALL INSPECTIONS ARE COMPLETED.**

- B. Re-inspections: All re-inspections must be accomplished with expediency, preferably within twenty-four (24) hours, to preclude extra costs to the builder/homeowner.
- C. Waste System Inspection: Inspection of a septic system shall be by the county's sanitarian prior to "back-filling" and prior to use. The ACC inspector will perform inspection of the gray water system.
- D. Occupancy: Occupancy of a new home is not permitted until the structure has had a satisfactory final inspection and a Certificate of Occupancy has been placed in the homeowner's file at the DPOA office. At that time D.P.O.A. office will notify Riviera Utilities to activate the sewer system.
- E. NOTE: Builders' Risk Insurance becomes null and void when the homeowner takes possession of the house.

## **VII. General Responsibilities of Builders**

- A. Financial: A check to cover all deposits and fees will be made payable to "Diamondhead POA" and submitted to the ACC before a Building Permit is issued.
- B. Builder Regulations: For the purpose of these regulations, a builder is defined as the person or business entity principally responsible for the work or erecting, remodeling, or repairing a building as outlined in these regulations. All contractors and employees of contractors must register and sign in upon entering the Security Gate. After confirmation that the contractor is on the Security Access List, a temporary pass will be provided which must be returned to the Gate upon departure from The Diamondhead Community.
- C. Documentation: All builders must furnish the following to the ACC:
  1. Their workmen's compensation certificate number and,
  2. License registration, if applicable.
- D. Permit Fees Schedule: Construction defined as "repair" will be subject only to inspection fees as required. All other permit fees are outlined on the Building Permit Fee Schedule.

## **VIII. ADDITIONAL RESPONSIBILITIES**

- A. Debris: The homeowner/builder/contractor will be responsible for daily cleanup and removal of any unsightly trash and debris. If this task is not rigidly adhered to, the DPOA will impose a minimum \$50 fee for each occurrence when the DPOA or private contractor performs trash removal. In addition, contractor/owners are charged with the removal of debris prior to final inspection from the construction site to an authorized landfill area.
- B. Restroom Facility: A portable restroom facility will be required on all construction sites if there is not a facility available within 500 feet of the project site.
- C. Excavations: Contact with appropriate authorities shall be made prior to excavation, to insure that underground utility lines will not be damaged. The contractor will restore all cuts across roadways, as soon as practical, to their previous condition. The free flow of water in easement ditches will not be obstructed in any way.

- D. Building Equipment: Contractor/owners will insure that the equipment used on the building site will not be parked in any manner that impedes traffic. The building site, insofar as is practical, should be maintained in a neat and orderly manner consistent with its surroundings. Heavy equipment that is no longer needed for the completion of the work must be removed immediately.
- E. Penalties: Violations of these regulation will be reviewed by the ACC and recommendations made to the DPOA General Manager. Recommendations may include prosecution as prescribed by the Standard Building Code, Section 114. The Board of Appeals will be the ACC as provided by the Standard Building Code, Sections 102 and 111. If a committee member is not qualified in accordance with Section 111.1 of the Standard Building Code, qualified members from the building industry will be appointed on a temporary basis.

**IX. STATE, COUNTY, POLITICAL SUB-DIVISION RULES AND REGULATIONS**

No statements contained herein shall supersede any instructions, regulations, codes, or rules of the state, county, township, or any other political subdivision encompassing The Diamondhead Community.

**X. FLOOD PLAIN RESTRICTIONS**

The following lots are affected by an elevation of easement as indicated:

<u>Section</u>	<u>Elevation of Easement in Feet</u>	<u>Affected Lots</u>
B	313	225
C	313	331, 244, 245
D	313	3783
F	313	868-870, 872, 1034, 1075
L-2	318	1696
M-1	313	2418, 2420
P-1	313	2555, 2624, 2592-2593
Q	313	2921-2924, 2994-2995

The following lots are subject to flooding easements of up to 313 feet mean sea level. If the entire easement is utilized on these lots, you may have difficulty locating a house on the lot using conventional construction techniques.

<u>Section</u>	<u>Affected Lots</u>
N	2318, 2330
P-1	2568
P-2	2734, 2739, 2747, 2750-2757, 2778-2900, 2901
Q	3566-3569, 3577, 3581-3582, 3584-3585, 2908

**THE DIAMONDHEAD COMMUNITY BUILDING PERMIT APPLICATION**

**Homeowner:** \_\_\_\_\_ **Phone #** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_ **Lot #:** \_\_\_\_\_

**Contractor/Builder:** \_\_\_\_\_ **License #:** \_\_\_\_\_

**Brief Description (i.e. number of bedrooms, baths, etc.):** \_\_\_\_\_

\_\_\_\_\_

**Address (911):** \_\_\_\_\_

**Area of Ground Floor:** \_\_\_\_\_ sq. ft. **Total Area:** \_\_\_\_\_ sq. ft.

**Foundations:** \_\_\_\_\_

**Footings Strength PSI Footing Drain:** \_\_\_\_\_

**Foundation Material:** \_\_\_\_\_

**Waterproofing:** \_\_\_\_\_

**Basement Space-Ground Cover:** \_\_\_\_\_ **Insulation R-**

**Chimneys: Material:** \_\_\_\_\_ **Flue Lining Material:** \_\_\_\_\_ **Flue Size:** \_\_\_\_\_

**Exterior Walls (Indicate);**

**Brick** \_\_\_\_ **Steel** \_\_\_\_ **Stucco** \_\_\_\_ **Shingle** \_\_\_\_ **Wood** \_\_\_\_ **Color** \_\_\_\_

**Signature** \_\_\_\_\_

**Builder/Homeowner**

**Approved:** \_\_\_\_\_

ACC Chairperson

**WAIVER OF LIABILITY REGARDING RESIDENTIAL BUILDING CONTRACTORS**

The DPOA refers to the Arkansas State Residential Licensing Law, Act 950 of 1999, and Rules & Regulations of the Residential Contractors Committee, Act 950 of 1999 regarding contractors:

Section 17-25-502, (2) “Residential building contractor” means any person, firm, partnership, co-partnership, association, corporation, or other organization or any combination thereof, which for a fixed price, commission, fee or wage, attempts to or submits a bid to construct or contract or undertakes to construct or assumes charge in a supervisory capacity or otherwise manages the construction of a single family residence; and

(3) “Single family residence” means any project consisting of one (1) but not more than four (4) units of new construction for residential occupancy, when the cost of the project is twenty thousand dollars (\$20,000) or more. This definition does not apply to subcontractors of licensed residential building contractors or to remodeling operations.

The undersigned do hereby state that they are the owners of the lot(s) indicated below and they are acting as their own contractor in the construction of a home or an addition to their existing home, and they assume all liability and hold the DPOA harmless from any and all liability associated with the undersigned acting as their own contractor, and specifically state that they are the primary and that no third party is acting as primary contractor. The undersigned also acknowledge that it is a violation of Arkansas law for a third party to act as primary contractor unless that party has been properly licensed by the State of Arkansas.

\_\_\_\_\_  
Owner

Section: \_\_\_\_\_ Lot: \_\_\_\_\_

\_\_\_\_\_  
Owner

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## **BUILDER/CONTRACTOR INSURANCE VERIFICATION**

The undersigned builder/contractor verifies there is in place workers compensation coverage on all sub-contractors, laborers, and all other individuals working on the following described property.

The builder/contractor agrees to hold harmless and indemnify the Architectural Control Committee and the Diamondhead Property Owners Association, Inc. for all occurrences that take place on the work site.

**LOT NUMBER:** \_\_\_\_\_

**SECTION:** \_\_\_\_\_

Further, said builder/contractor acknowledges and agrees that the rules and regulations of the Diamondhead Property Owners Association Architectural Control Committee (ACC) shall be followed. All permits are to be obtained prior to any work beginning. The builder/contractor acknowledges that new homes cannot be occupied until a final inspection is made by the ACC.

**Signature:** \_\_\_\_\_  
**Builder/Contractor**

**Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_



**BUILDING PERMIT FEE SCHEDULE**

<b><u>PROJECT</u></b>	<b><u>FEE</u></b>
<u>Lot Clearing</u>	\$25 *
<u>New Home Permit (2000 sq. ft. or less)</u>	\$850
<u>New Home Permit (Greater than 2000 sq. ft.)</u>	\$850 + \$0.10/sq. ft. over 2000 sq. ft.
<u>Remodel Existing Structure</u>	\$250
<u>Repair Existing Structure</u>	\$35 (if inspection is required)
<u>Home Additions</u>	UP TO 400 S.F. \$250 400 S.F. TO 1,000 S.F. \$600 1,000 S.F. TO 2,000 S.F. \$850 OVER 2,000 S.F. .10 EXTRA
<u>Garage or Carport</u>	\$250
<u>Sheds and Decks</u>	\$25 *
<u>Fences</u>	\$25
<u>Propane Tank</u>	\$25 *
<u>Connecting to Sewer</u>	\$125
<u>RV Parking Pad</u>	\$25 *

\* Does not include \$35 inspection fee

# SITE PLAN

LEGAL DESCRIPTION:

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_

SUBDIVISION OR OTHER LOCATION DESCRIPTION:      PHASE#      UNIT #

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## SCALE

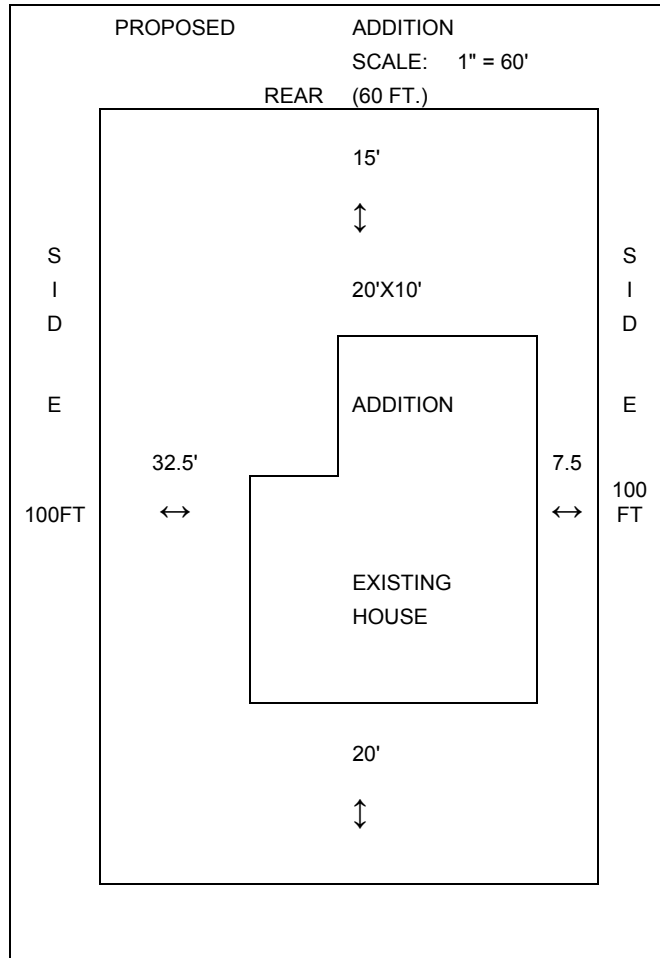
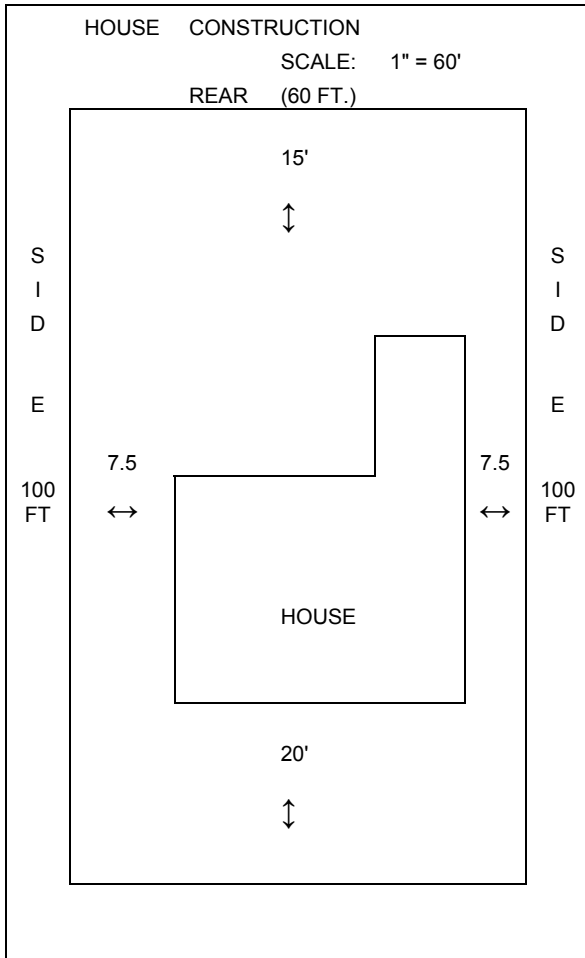
1" =

Application for Permits – All applications for permits shall be accompanied by plans, drawn to scale showing the actual shape and dimensions of the lot or parcel to be built on, the exact size and location of all existing and proposed buildings.

Show all existing and proposed structures giving dimensions and setbacks.

See Examples:

# (Examples)



# THE DIAMONDHEAD COMMUNITY

**BUILDING PERMIT #** \_\_\_\_\_

**PERMIT DESCRIPTION** \_\_\_\_\_

**SECTION** \_\_\_\_\_ **LOT #** \_\_\_\_\_

**STREET ADDRESS** \_\_\_\_\_

**DATE ISSUED:** \_\_\_\_\_ **EXPIRES:** \_\_\_\_\_

**OWNER:** \_\_\_\_\_

**BUILDER:** \_\_\_\_\_

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**DIAMONDHEAD PROPERTY OWNERS ASSOCIATION, INC.**

THIS MUST BE POSTED AT JOB SITE AND VISIBLE FROM THE STREET DURING TIME OF CONSTRUCTION

