

**CAPE WINDSOR COMMUNITY
ASSOCIATION
38782 Lincoln Drive
Selbyville, Delaware 19975**

Date:

Dear Property Owner:

The Board of Directors of the Cape Windsor Community Association is responsible for the maintenance of “common elements,” which include community utilities, roads and common grounds. Therefore, it is necessary that the Board gather and review information regarding proposed demolition and construction projects within the community, including the demolition of trailers and homes, construction of a residence, and/or new or replacement boat lifts, docks and bulkheads.

Included in this process is the collection of a \$5,000 escrow fund, paid either by the resident or his agent, that will be used to repair any damage caused to common elements during such projects. Once the project is completed the escrow will be returned in full or with any deductions as agreed upon between the homeowner and the Board. No work of any kind can begin until this application is submitted and approved by the Board.

Please note: if this application is not submitted and approved by the Board, prior to construction or demolition, the property owner will be fined \$100 for the first day and \$50 for every day thereafter, until this review process is completed.

If you have any questions or issues not addressed in this application, please include them in writing along with your application, and the Board will address them as soon as possible.

Attached are the deed restrictions for our community, which are recorded in the Office of the Recorder of Deeds, in Sussex County, Delaware. For your information, in March of 2018, Sussex County changed their ordinance regarding property line setbacks. They now mirror ours, as outlined in our deed restrictions, and are as follows: **front yard 5’, side yard 5’, rear yard 15’.** Additionally, any “structures”, including HVAC platforms, steps, bump outs, and/or propane tanks, **within these new set-backs, will require a variance from Sussex County.**

Lastly, **sewer line cleanout ports** are required for any new construction or sewer line repair.

Thank you in advance for your cooperation,
Cape Windsor Community Association
Board of Directors

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CAPE WINDSOR DEMOLITION AND CONSTRUCTION REGULATIONS

It is requested that property owners, contractor, subcontractors, supplies, and workers abide by the following provisions:

1. Work Site Hours:

- A) 8:00 AM to 7:00 PM- Monday thru Saturday.
- B) No activity of any kind shall take place Sundays or holidays.

2. Demolition /Construction Site Activities:

- A) No demolition/construction activity of any kind shall take place on community streets or property.
- B) Supplies and materials are to be confined to the work site. They are not to be placed on community streets or property.
- C) Trash must be contained in a dumpster. The dumpster must be placed on the work site. Dumpsters are not to be placed on community streets or property. All debris and trash must be kept out of the lagoons.
- D) During work site hours, vehicles and equipment shall not be parked on community streets in a manner that is disruptive to residents and interferes with the passage of other vehicles. Vehicles and equipment shall not under any circumstances be parked overnight on community streets. Community streets must be kept clear for emergency vehicles.
- E) Positively no metal track vehicles allowed within the community.
- F) No vehicles or equipment or modular units shall be placed or parked on community property without permission of the Board. Approved placement of new or salvaged equipment/home units on community property is temporary and shall be removed within 24 hours of placement. Failure to comply with removal requirements will result in a \$100.00 per day fine per unit, until removal has been completed.
- G) It is the responsibility of the property owners and contractor to provide advance notification of potential closures and inconvenience caused by vehicles, equipment, or the movement of modular components, Etc. Such notification shall be in the form of printed flyers posted on vehicles and houses in the affected area as well as a posting on the community bulletin board. This notification shall be at least forty-eight (48) hours in advance of such actions. Cape Windsor will also endeavor place such notices on the Community Web Site if timely submittal is made.

- H) Prior to demolition or construction, the property owners, contractors, and subcontractors are responsible for contacting the appropriate agencies (Miss Utility, electric, phone & cable and Cape Windsor water/sewer lines) and utilizing care in locating all utility lines prior to an excavation on the work site. The sewer line disconnected from the existing home must be capped two (2) feet above ground, outside the perimeter of the new foundation and properly identified until reconnected to the new home. Any water line disconnected from the existing home must be turned off and capped outside the perimeter of the new foundation.
- I) Cape Windsor Community Association requires that new water installations are not to exceed 3/4" maximum and to consist of an emergency street cutoff inside the owner's property within five (5) feet of the utility easement and an owner's shutoff valve located for the property owner's shutdown convenience.
- J) Sussex County Plumbing Codes and the Cape Windsor Community Association requires double backflow prevention devices to be installed between these two valves.
- K) Sewer and water lines must be separated a minimum of 10' horizontally and 2' vertically to prevent cross contamination per Sussex County Plumbing Codes.
- L) Any information provided as to the location of utility lines by the Cape Windsor Community Association officers is provided as a courtesy. The responsibility for the actual location lies with the property owners, contractor, and subcontractors. Any fill removed from the roadway areas to repair or replace utility lines must be mechanically tamped in a proper manner as the excavation is being refilled.
- M) There shall be no commercial signage erected anywhere on the work site, other than the Builders identification sign.
- N) It is the responsibility of the property owners and contractor to provide and maintain Silt Fencing per State requirements during the course of construction.

3. Damage Responsibility:

- A) If the demolition/construction process involves community utilities, streets or property, the Cape Windsor Community Association Board of Directors must be notified and approval received before starting any work.
- B) Any damage and the subsequent repair to community utilities, streets or property is the responsibility of the property owners, contractor and subcontractors. The standard of repair must meet the approval of the Cape Windsor Community Association Board of Directors.

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- C) If any damage occurs to neighboring property utilities, structures or grounds, it is the responsibility of the work site property owners, contractor, subcontractors, and neighboring property owners to resolve the problem.
- D) Property owners will be required to post escrow of \$5,000.00 for demolition, bulkheads, new homes, additions, or garages. The escrowed funds will be held until construction is complete. The Cape Windsor Board of Directors will determine if any fines, fees, road or property damages has resulted from such construction and if so, the escrowed funds will be used to satisfy the fees/fines and/or to correct such damages. Any remaining funds will be returned to the property owner. The property owner remains liable for any fees, fines, or damages in excess of the escrowed funds.

4. Conduct of Contractor, Subcontractors, Suppliers and Workers:

- A) Demolition/construction noise is inherent to the work being done; however, excessive volume from radios or other audio devices is not acceptable.
- B) If usage of neighboring property utilities, parking space or storage space is necessary, please obtain prior approval from the affected property owners.
- C) The furnishing of temporary power, water, sanitary facilities, Etc. is the responsibility of the Owner/Builder.

5. Notifications, Inspections, and Coordination Requirements:

- A) Home owners will demonstrate compliance with the Building Package sewer, plumbing and back flow prevention requirements prior to the water being turned on, or sewers connected.
- B) The home owner will schedule the inspection, connections, and water turn-on at least 72 hours prior to the required turn-on time and assure that their plumber is ready to make an expedited connection.
- C) After inspection a fee of \$75.00 will be charged for the turn-on.
- D) If the property is subject to the Building Package Escrow monies, such fees will be deducted from the Escrow amount.
- E) In addition, until compliance with the Building Package requirements have been demonstrated (as well as the satisfaction of any fees, or fines), the Escrowed monies will not be refunded.

CAPE WINDSOR COMMUNITY ASSOCIATION
Acknowledgment of Demolition and Construction Regulations

I acknowledge that I have received a copy of these regulations and accept and will comply with these regulations. I acknowledge that it is my responsibility to ensure that subcontractors, suppliers and all workers comply with these regulations. I also acknowledge that I will be subject of a stop work order issued by the Board of Directors of the Cape Windsor Community Association should these regulations be violated.

Date

Signature - Property Owner

Date

Signature - Property Owner

Date

Signature - Contractor

CAPE WINDSOR COMMUNITY ASSOCIATION
Applications for Demolition and/or Construction Project

Date Submitted: _____

Applicant Mailing Address:

Phone: _____

Email: _____

Applicant CWCA Mailing Address:

Phone: _____

Physical Location {Property (Street & Lot No.):

Demolition Information:

Start Date of Demolition: _____

Contractor's Information:

Name: _____

Address: _____

Phone: _____

Email: _____

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Construction Information:

Start Date of Demolition: _____

Contractor’s Information:

Name: _____

Address: _____

Phone: _____

Email: _____

Proposed Property Improvement (please be specific):

Further Comments:

You must attach a copy of the site plans, and the contractor(s)' Certificate of Insurance.

You are reminded that you must comply with any applicable Sussex County Comprehensive Zoning Ordinances for an AR-1; i.e., Agricultural Residential Single-Family Dwelling District, as well as any State or Federal Agency requirements in order to obtain demolition and/or construction permits. Permits will also be required from DNREC for boat lifts, docks, and bulkheads.

Signature - Property Owner

Signature - Property Owner

Printed Name - Property Owner

Printed Name - Property Owner

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DEED RESTRICTION COVENANTS AND CONDITIONS

The following are restriction covenants and conditions as set forth in original recorded Deeds of Edgewater Acres, Inc., dated May 13, 1966, recorded in Deed Book 604, Page 88; and Bessie A. Bennett, widow, dated July 7, 1967, recorded in Deed Book 621, Page 1069:

“The said lands are conveyed subject to the following restrictive covenants and conditions which shall run with the land:

1. Restrictions set out in the aforesaid deed of Edgewater Acres, Inc., which was dated May 13, 1966, and which is of record in Deed Book 604 at page 88.
2. That no improvement or mobile home or structure of any kind shall be placed within five (5) feet of the side yard line or ten (10) feet of the street, nor within fifteen (15) feet of the bulkhead, nor shall any dock or structure be extended more than fifteen (15) beyond the bulkhead.
3. That the Purchaser may not place any mobile home on a lot until the site plan has been approved by the grantor, its successors or assigns, and no mobile home which is less than 50' x 12' shall be placed on any lot; that mobile homes when placed on purchaser's lot must have the underside completely enclosed; that individual gas bottles and oil tanks will be buried when possible.
4. That all mobile homes to be placed on a lot must be in reasonably good physical condition and must be previously approved by the grantor, its successors or assigns, and such approval shall not be unreasonably withheld.
5. That no additions or any building of any kind, either temporary or permanent, or bulkhead or piers, or boat docks or the or any change in grade may be constructed on, moved onto or accomplished, as the case may be, without the prior written approval of the grantors, its successors or assigns.
6. That the Purchaser will keep and use his property in a careful manner so as not to unreasonably interfere with his neighbors and to keep his lot and home in a reasonably good condition.
7. That trash and garbage cans shall be placed only in accordance which shield them from view from the street and adjoining properties, which structure shall have been approved by the grantor, its successors or assigns.
8. That no television antennas shall be erected without prior written approval of the grantor, its successors or assigns. EASEMENT IS RESERVED FOR TELEPHONE, ELECTRIC AND CATV LINES.
9. That only umbrella type wash lines shall be used and no wash shall be hung in public view on Sundays and holidays, nor afternoon or Saturdays.
10. That travel trailers, boat trailers, and like vehicles shall be parked only in designated dead storage areas.
11. That no commercial activity of any type shall be conducted on the residential lots plotted in of Cape Windsor.
12. Each property owner agrees to pay his pro-rata share upon assessment by a nonprofit corporation which shall operate the utilities and maintain the streets, pool, park, and other common areas of the development. Each property owner shall have (1) vote per lot, and each property owner grants unto the said non-profit corporation perpetual easement to enter upon its property to maintain sewer and water lines and to make such repairs to the utilities as the manager of the non-profit corporation deems to be necessary.
13. That these restrictions shall be enforceable by appropriate suit in the Court of Chancery of the State of Delaware by the grantor, its successors or assigns, or any property owner in said development.”

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INTERPRETATION OF PARAGRAPH "2" OF THE AFORESAID
DEED RESTRICTIONS, COVENANTS AND CONDITIONS

1. "That no improvement or mobile home or structure of any kind shall be placed within fifteen (15) feet of the bulkhead."

Should not be construed to include fences, ornamental shrubbery, or any man-made patios or walkways providing the patios or walkways are not elevated in excess of one (1) foot above grade level.

That the restrictive covenant should be construed to mean that the set-back line from the bulkhead of fifteen (15) feet shall be measured from the outside extremity of the bulkhead as measured from the pilings for the bulkhead within the waterway lagoons and the fifteen (15) feet from the outside of the bulkhead shall be measured to the base of the deck or mobile home improvement, thus allowing for overhang of railings, cornices, bay windows, tip-outs, window encasements, air-conditioners or the like. That the fifteen (15) foot setback line from the bulkhead shall not be construed to apply when the bulkhead line constitutes the side line of the lot.

2. That the restrictive covenant should be construed to mean that the set-back line from the street of ten (10) feet shall be measured as five (5) feet from the lot line, inasmuch as the easement between the lot line and the paved street is presumed to be five (5) feet.

3. That the restrictive covenant stating "That no improvement or mobile home or structure of any kind shall be placed within five (5) feet of the side yard line"

Should not be construed to include egress, steps, garbage can enclosures, arbors, ornamental shrubbery, shower stalls, gas and oil tanks and air-conditioning units.

CAPE WINDSOR COMMUNITY ASSOCIATION

38782 Lincoln Drive, Selbyville, Delaware 19975-4421

Notice to Correct Violations of:
By-Laws, Due Process Resolution and/or Demolition & Construction Regulations

TO: _____ **DATE:** _____
and all other tenants in possession of this residence.

This notice is to inform you that you are in violation of the Cape Windsor Community Association By-Laws, dated September 15, 2011, and/or published rules governing our community.

The violation(s) are as follows:

A. Violation of Building Package Requirements;

*If work begins before the application process is approved, fines will be assessed to the property owners. Starting on **day one** there will be a fine of \$100, starting on **day two** and everyday thereafter a fine of \$50 each day to a maximum of \$1,000.

Description of Fine	Fine
1. Failure to submit Cape Windsor Building package.	*Starts w/\$100 @ day
2. Failure to submit \$5,000 Escrow monies.	*Starts w/\$100 @ day
3. Violation of work hours (8:00 a.m. to 7:00 p.m., Monday thru Saturday)	*Starts w/\$100 @ day
4. Violation of no work on Sundays or holidays.	*Starts w/\$100 @ day
5. Failure to place trash and/or recycling in proper container, maintaining the street free of mud and debris. Daily inspection to remove nails, etc.	*Starts w/\$100 @ day
6. No metal tracked vehicles and/or construction equipment.	*Starts w/\$100 @ day
7. Failure to coordinate with Cape Windsor Board to cap sewer & water.	*Starts w/\$100 @ day
8. Failure to install required water supply double check valves. (Must have 2)	*Starts w/\$100 @ day
9. Failure to install cleanout for sewer with all renovations & new build.	*Starts w/\$100 @ day
10. Damage to Cape Windsor streets or community property	To Be Determined

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B. Violation of Common Grounds Usage

Description of Fine	Fine
1. Violation of boat & trailer storage season (April 1 st thru November 1 st).	Fined and/or Towed
2. No parking permit submitted, and/or no resident’s address on trailer tongue.	Fined and/or Towed
3. Watercraft parked without a trailer.	Removed/Towed
4. Failure to trim grass under your trailer, or move trailer to a freshly mowed spot as necessary.	\$50.00 per week
5. Violation of wrecked vehicle rule.	Towed
6. No boat or trailer storage on public space other than Lincoln Dr lot.	Towed

C. Violation of Parking Restrictions

Description of Fine	Fine
1. No parking on public streets. (Overflow parking is allowed on Lincoln Dr Common Ground.)	Towed
2. No overnight parking at the end of Roosevelt Ave. (Park/Beach parking)	Towed

Pursuant to said requirements, you are hereby required to correct said violation(s) within ten (10) days after the date of this notification. Uncorrected or repeated violations will incur fines.

Cape Windsor Board

Contact at: 302.988.1739 or email capewindsorhelp@gmail.com

Property Owner acknowledges receipt of this notice on, __ day, of _____, 20__.

Signature - Property Owner

Signature - Property Owner

Printed Name - Property Owner

Printed Name - Property Owner