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| Settler’s Point Property Owner’s Association Architectural CommitteeGuidelines & Procedures**DRAFT**April 23rd, 2008 |

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# Purpose

The Architectural Committee (AC) was established by the Settler’s Point Property Owner’s Association (SPPOA) Board of Directors (BOD), under the authority of the SPPOA covenants, to oversee such activities as external home improvements, additions, home maintenance, installation of recreational facilities, beautification efforts and more . The objective of this committee is to preserve property values and maintain the desirable character of the neighborhood.

The Covenants state that prior to any commencement of any construction, any removal, or any alteration of any improvement on any Tract, the Plans & Specifications shall be submitted to the AC for approval; work may not commence until the AC has approved the Plans & Specifications in writing (Covenants Sec. 2.10).

Homeowners should be aware that governing authorities (e.g., City of Dripping Springs, Hays County and the State of Texas) may have their own guidelines governing some of the same subjects covered in this document. Any governing agency requirements take precedence over the guidelines documented here. Also note that the approval by and from the SPPOA AC does not eliminate the need for securing any necessary governing agency permits or inspections.

If any portion of this document or any amendment thereto shall be deemed to be null and void or unenforceable by action of a court of law, such portion shall be deemed severable and shall not affect the balance of this document and/or amendments thereto, which shall remain in full force and effect.

# Maintenance of Property

The appearance of each and every home in Settler’s Point affects not only the overall look of the community but the individual property values therein. Property ownership in Settler’s Point includes the responsibility for continued maintenance of all structures and grounds, each are part of each homeowner's lot. This includes, but is not limited to, keeping buildings and associated grounds in good condition and repair.

All homeowners are responsible for inspecting their own property periodically to ensure that their outside structures, such as fences (both sides), decks, and other free standing exterior structures such as sheds, gazebos, and children's recreation equipment sets, etc. are maintained and in good condition, repairing or replacing portions as necessary in a timely manner to maintain the appearance and safety of the structure.

# The Architectural Review Process

The AC has fifteen (15) days to act on any request for approval. If the AC fails to act on any Plans & Specifications submitted to it within 15 days after receipt of all information requested by the AC, the matters submitted to it shall be deemed approved according to the covenants.

### Application Review

The committee will review and discuss each applicants request and determine whether it adheres to:

* the established guidelines as described in this document,
* the BYLAWS OF SETTLER’S POINT OWNER’S ASSOCIATION, INC
* the DECLARATION OF COVENANTS AND RESTRICTIONS FOR SETTLERS POINT,
* the DECLARATION OF COVENANTS AND RESTRICTIONS FOR SETTLERS POINT PHASE II
* any known property Deed Restrictions.

Additional consideration will be given to the impact of the requested change on immediate neighbors as well as the neighborhood as a whole.

SPPOA homeowners may also address the committee by contacting any member of the committee in advance to be put on the AC meeting agenda.

**Variances**

Variances to any restrictions specified within the Covenants or this document, for which the AC has authority to grant a variance, must be evidenced in writing and must be signed by at least a majority of the AC. Temporary variances may be granted for specified periods, particularly during construction.

### Application Consensus and Disposition

The committee, after discussing the request, can determine the following actions by majority vote:

* **APPROVED**: The request is approved as submitted.
* **APPROVED w/CONDITIONS**: The request is approved subject to the homeowner fulfilling the indicated conditions. This action is typically used only if an administrative item such as a plot plan or elevation plan is left off the request when everything else about the request appears to be in order. The homeowner should begin no work on the requested improvement until the requirements for approval are met.
* **CLARIFICATION REQUIRED**: Return the request to the applicant in order to obtain further information or clarifications. If this action is taken, the request has neither been approved nor denied at that point.
* **DENIED**: Deny the request with an explanation to the applicant. The homeowner should begin no work on the requested improvement. The AC may, at its discretion, turn further handling of the request over to the board.

Within a week of the meeting, the AC will inform the requesting homeowner in writing (or email if the homeowner has agreed) of the consensus. It may do so by returning a copy of the request with the AC section completed by the AC.

The request and supporting documents become the property of the SPPOA and are retained in the AC records.

## The HOMEOWNER

### Property Changes or Improvements Subject to Review

The covenants require that homeowners submit written applications for all external property improvements. Approval from the AC committee is required before work can commence. The Owner must commence construction within ninety (90) days of the AC approval, or such approval shall lapse. Upon written request of an Owner, the AC may grant up to two (2) thirty (30) day extensions of such approval. No house or other structure shall remain unfinished for more than eight (8) months after construction of it has commenced.

### Appeals

Homeowners may appeal any AC decision to the SPPOA BOD at one of their scheduled meetings. Homeowner must be put on the SPPOA meeting agenda for this appeal to be presented. Appeals can be made in person or in writing.

# INSTRUCTIONS FOR COMPLETING THE APPLICATION

The Request for Architectural Committee Approval Form should contain a complete written description of the proposed improvement and should also include, as applicable:

* A copy of the lot survey or plot plan showing the location of the improvement and distance to the nearest property lines;
* Pictures, drawings, or blueprints showing different views with dimensions;
* Sample and/or descriptions of paint and/or materials to be used in construction;
* A description of any screening that is to be provided.
* A description of any construction specifications that require a variance from the Covenants & Restrictions.
* If construction is to be done by a contractor, a copy of the contractor’s liability insurance.

It is very important to have all affected neighbors sign the form. This is not a request for their approval, and their signature is not an approval, but an acknowledgement that they have been informed of the proposed improvement.

***In some cases the application will be denied by the AC if neighbor signatures are missing from the application.***

# AC Approval Criteria

Projects which do NOT require AC approval are as follows:

* Temporary Canopies & Tents (See Guidelines under Awnings)
* Holiday Decorations
* Invisible Pet Fences
* Landscape lighting or accent lighting
* Minor landscaping
* Repainting the same or similar colors
* Repairs to existing structures using the same materials/colors
* Skylights
* Temporary yard signs (For Sale, Garage Sale, political campaign signs, etc)
* Wall-mounted or tree-mounted flags and lanterns

Projects which require AC approval include, but are not limited to, the following:

* Awnings
* Additions or structural changes (rooms, garages, porches, chimneys, windows, doors, storm windows, storm doors, etc.)
* Significant changes in external color
* Decks
* Detached structures
* Driveways and parking pads
* Fences
* Lawn ornaments, fish ponds, free standing flagpoles and lantern poles
* Major landscaping, hedges, trees, drainage changes
* Patios
* Pet facilities (houses, runs, pens, etc.)
* Play facilities (swing sets, play houses, trampolines, jungle gyms, etc.)
* Radio/TV Antennas and Satellite Dishes
* Retaining walls
* Solar Collectors
* Sport facilities (basketball goals, tennis and volleyball courts, etc.)
* Swimming pools and Spas
* Water wells & Rainwater collection systems

##

## Additions and Structural Changes

### Items requiring AC approval:

All external additions or structural changes to a home must have AC approval before construction begins. This includes new rooms, porches, garages, gazebos or attached structures of any kind. Also any changes to chimneys, windows or doors, including the addition of storm windows or storm doors, require AC approval.

### Information Required for Submittals:

Plot plan showing the location of the structure and distance to nearest property lines.

Elevation view(s) showing the planned appearance of the structure, including dimensions.

Description of materials to be used in construction, including paint, rock, wood, metal, brick, siding, and roofing samples, if applicable. If materials are identical to the existing residence, no samples are required, but this fact must be noted in the form.

Identification of any item for which a variance to the Covenants & Restrictions is required.

### Guidelines:

No addition may infringe upon the setbacks for the lot as listed in the covenants.

Additions must match the residence in materials, color and style and must be constructed in accordance with the covenants.

## Awnings, Canopies & Tents

### Items Requiring Architectural Approval:

All awnings require AC approval.

### Information Required in Submittal:

The awning may be fabric only.

The fabric should blend with the color the residence.

Any wood support structure must be same color as the residence or deck.

Awning may be installed on the rear or sides of the residence only.

Awning must be attached to the residence, not free standing.

Description of materials to be used in construction, including paint, fabric, wood and metal samples, if applicable. If materials are identical to the existing residence, no samples are required, but this fact must be noted in the form.

### Guidelines:

Temporary Canopies and Tents (e.g., parties, celebrations, etc.) may be erected without AC approval. Such temporary canopies and tents must be removed within fourteen (14) days.

Permanent canopies and tents are restricted to the back and side yards of the residence and preferably not in plain sight from the front road.

## Changes to External Colors or Styles

### Items Requiring Architectural Approval:

All changes to external painted surface color require AC approval.

### Information Required in Submittal:

Sample(s) of the paint or surface colors to be used.

### Guidelines:

Earthtones and other muted colors are generally AC acceptable.

Primary colors and pastels will rarely be approved.

## Decks

### Items Requiring Architectural Approval:

All new decks require AC approval. Any appearance change or addition requires AC approval. All under-deck enclosures require AC approval.

### Information Required In Submittal:

Plot plan showing the location of the structure and distance to the nearest property lines.

Elevation view(s) showing the planned appearance of the structure with dimensions.

Description of materials to be used in construction, including paint, rock, wood, metal, brick, siding, and roofing samples, if applicable. If materials are identical to the existing residence, no samples are required, but this fact must be noted in the form.

### Guidelines:

All decks should be built of weather resistant wood or composite decking material.

## Detached Structures

### Items Requiring Architectural Approval:

All detached items, including, but not limited to, archways, storage sheds, barns, gazebos, arbors and pergolas.

### Information Required in Submittal:

Plans should be clear and show the type of construction.

Plot plan showing the location of the structure and distance to nearest property lines and residence.

Elevation view(s) showing the planned appearance of the structure with dimensions.

Description of materials to be used in construction, including paint, rock, wood, metal, brick, siding, and roofing samples, if applicable. If materials are identical to the existing residence, no samples are required, but this fact must be noted in the form.

Identification of any item for which a variance to the Covenants & Restrictions is required.

### Guidelines:

Structures must match the residence in color and style as much as possible.

No structure may infringe on the setbacks for the lot as listed in the covenants.

Additional Guidelines for the Installation of Gazebos and Arbors only:

* Gazebos are free standing roofed structures, usually open on the sides.
* Arbors are shelters formed of or covered with vines or branches.
* The materials used must be treated wood, metal, PVC or other attractive and long lasting material.
* May be left natural, stained or painted.
* No potion of the structure can be located within property line setbacks.

## Driveways

### Items Requiring Architectural Approval:

All driveways and travelways or changes to existing driveways and travelways require AC approval.

### Guideline: Ensure current drainage is not affected or is addressed by the proposed changes.

## Fences

### Items Requiring Architectural Approval:

All fences require AC approval.

### Items Required In Submittal:

Description of fence including height, and dimensions of gate(s).

Plot plans showing the location of fence and gate(s) and distance to nearest property lines.

Description of materials to be used in construction, including paint, rock, wood, metal, brick, siding, and roofing samples, if applicable. If materials are identical to the existing residence, no samples are required, but this fact must be noted in the form.

### Guidelines:

Perimeter Fences

Perimeter fences must be aesthetically cohesive with fencing in the community and may not be constructed exclusively from chicken wire, field wire, chain link or similar materials; such metal materials may be used ***inside*** the perimeter fence for animal control.

Landscaping Fences

Landscaping fences may be used but must be approved by the AC.

May be left natural, stained or painted.

Fences may be 4-6 feet high measured from the ground to the top of the pickets, top rail or top of post/standard.

A uniform height should be maintained parallel to the ground line (see drawing 1).

All post and pickets should be vertical and follow contour of the land (see drawing 1).

Fence materials used can be rock, stone, brick, painted structural metal (e.g., pipe, C perling, etc.), rot resistant wood (e.g., cedar, redwood, treated wood, etc), PVC or other attractive and long lasting material; combinations of these materials may be used as well.

Property owners are cautioned that building a fence that infringes on easement or a right-of-way may result in destruction or removal of the fence. Such installations are done entirely at the risk of the proper owner.

All fences should be a minimum of 6 inches inside the property line.

Fences placed on the property lines are AC acceptable in either of the following cases and require completion of the Fence Addendum Forms:

* Joint ownership of the fence or fence section by the property owners requires Fence Addendum Form.
* Approval of all property owners adjacent to the fence or fence section requires Fence Addendum Form.
* Fence sections attached to adjoining lot's fence require completion of the Fence Addendum Form.

All hardware is to be weather resistant.

The finished side of the fence must face adjoining lots.

Finials will be allowed but may not exceed 6 inches in height.

## Lawn ornaments, Fishponds, Decorations, Signs Flags & Lighting

### Items Requiring Architectural Approval:

All long term (90 days or more) or permanent decorations, lawn ornaments that significantly alter the appearance of the lawn, ponds, and free-standing flagpoles require AC approval.

Signs, except those specifically identified below, require AC approval.

### Items Not Requiring Architectural Approval:

***In all cases, if items represent a nuisance to neighbors, items are unsightly or not in keeping with the intent of the quality of the association, the AC reserves the right to then require AC approval. If approval is not granted then the item will need to be corrected accordingly****.*

Temporary decorations, including holiday decoration.

Lighting, including landscape, accent, flood and security lighting. Bright security lighting should be screened to prevent glare to neighboring dwellings and in keeping with the need throughout the hill country to reduce light pollution.

Wall-mounted flags and lanterns.

Temporary signs of not more than six square feet in size, including for sale or for rent.

During the period of construction of any principal dwelling, one professional sign of not more than six square feet in size may be placed on the subject Tract for advertising and sales promotion.

### Information Required In Submittal:

Picture or description of the item.

Plot plan showing the location of the item and distance to nearest property lines,

### Guidelines:

Every effort shall be made not to disturb or adversely affect neighbors, especially with the installation of all outside lighting.

Decorations and signs should be removed in a timely manner.

Signs must adhere to all ordinances.

## Major Landscaping

### Items Requiring Architectural Approval:

Landscaping that is structural, or changes the contour of the land, is adjacent to property lines, or obstructs a neighbor's view, requires AC approval.

Landscaping timbers, railroad ties, etc., used for edging or curbing require AC approval.

### Items Not Requiring Architectural Approval:

Landscaping of a minor nature such as naturalizing an area of the yard and/or adding trees, shrubs and flowers need not be submitted for approval, providing they do not negatively impact neighboring properties.

### Information Required for Submittal:

Description of the type, quantity and size of plants and trees.

Plot plan showing the location of the plants or trees and the distance to the nearest property lines.

Changes to the drainage/runoff on the property should be illustrated with submittal.

## Play Facilities (Swing Sets, Play Houses, Jungle Gyms, Trampolines. Tree houses, etc.)

### Items Requiring Architectural Approval:

All swing sets, play houses, jungle gyms, anchored trampolines, tree houses, etc. require AC approval.

### Information Required in Submittal:

Description of the type or style of play facility to be installed.

Plot plan showing the location of the structure and distance to nearest property lines.

Elevation view(s) showing the planned appearance of the structure with dimensions.

Description of material(s) to be used in construction, if applicable.

### Guidelines:

Play facilities must not encroach on property setbacks.

They should be located in the least conspicuous place possible, either in the rear or on the most obscure side of the residence and not in view from the street or in frontal view from neighbors.

They should be well-maintained for both safety and aesthetics.

## Radio/TV Antennas and Satellite Dishes

### Items Requiring Architectural Approval:

All exterior radio/TV antennas and satellite dishes require AC approval.

### Information Required in Submittal:

Description of the type of antenna/dish to be installed.

Drawing showing the location of the antenna/dish with dimensions.

Plot plan showing which neighbors and streets the antenna/dish will be visible from.

### Guidelines:

No dish with a diameter greater than 1 meter (39 inches) is permitted.

Antenna/dish must be installed within the owner's property lines.

Antenna/dish must be installed to be as unobtrusive as possible.

Antenna/dish must be installed so that all safety regulations are complied with.

## Retaining Walls

### Items Requiring Architectural Approval:

All retaining walls require AC approval.

### Information Required in Submittal:

Description of the type of retaining wall to be installed including depth of footings and materials.

Drawing showing the location of the retaining wall with dimensions and the drainage pattern.

Plot plan showing which neighbors and streets the retaining wall will be visible from.

### Guidelines:

Approved materials include, but are not limited to, brick, stone, wood, and architectural block.

Any wood materials used should be of the composite or treated type.

Retaining walls may be stained, but not painted.

Consider effects of large sudden downpours on drainage (i.e., 4” of rain in a day).

## Solar Collectors

### Items Requiring AC Approval:

All solar collectors require AC approval

### Information Required in Submittal:

Description of the type of solar collector to be installed.

Drawing showing the location of the unit on the roof with dimensions.

Plot plan showing which neighbors and streets the unit will be visible from.

### Guidelines:

Solar collectors should be attached only to the roof, not free standing or ground mounted.

Solar collectors should be installed so as to be as inconspicuous as possible and should be placed on the rear of the home or on the side that has the least public exposure.

Every effort must be taken to camouflage the plumbing and supports for the collectors.

This camouflaging may require completely encasing the collectors. The ideal installation is one that is laid flat on the roof. All metal parts should be painted to match the roof coloring. There must be a minimum exposure of the piping or electrical runs down the side of the house.

## Sports Facilities (Basketball goals, tennis and volleyball courts, etc.)

### Items Requiring Architectural Approval:

Basketball goals mounted on poles or on the house require AC approval. Long term (greater than 90 days) or permanent tennis courts and volleyball courts require AC approval.

### Information Required in Submittal:

Plot plan showing the location and dimensions of the structure and distance to nearest property lines.

Description of the materials to be used in construction, if applicable.

### Guidelines:

Basketball goals may not be located on a public street.

Portable goals should be stored when not in use.

## Swimming Pools and Outside Spas

### Items Requiring Architectural Approval:

All swimming pools require AC approval. Outside spas and associated privacy screens that are a permanent part of the deck and/or patio require AC approval.

### Information Required in Submittal:

Written description of the type or style of the pool or spas to be installed.

Plot plan showing the location of the structure and distance to nearest property lines.

Elevation view(s) showing the planned appearance of the structure with dimensions.

Submit certificate of liability insurance for contractor.

### Guidelines:

Consideration should be given for neighbors views.

## Wells and Rainwater Collection Systems

### Items Requiring Architectural Approval:

All rainwater collection systems require AC approval. All wells require AC approval.

### Information Required in Submittal:

Location: Plot plan showing the location of the structure and distance to nearest property lines.

Materials: Engineering approved structures. Please follow both Hays county and Dripping Springs requirements.

### Guidelines:

All well enclosure construction materials should be of similar type and color as the primary residence.

Rainwater collection tanks must be screened or enclosed, or constructed of materials of similar type and color as the primary residence.

## Animal Storage/ Barn Structures

### Items Requiring Architectural Approval:

All animal storage and barn structures require AC approval. All wells require AC approval.

### Information Required in Submittal:

Location: Plot plan showing the location of the structure and distance to nearest property lines.

Materials: Engineering approved structures. Please follow both Hays county and Dripping Springs requirements.

### Guidelines:

All well enclosure construction materials should be of similar type and color as the primary residence.

#

# Architectural Committee Forms

## Homeowner Improvement Project Request Forms

Owner Information

Property Lot #: Date:

Name:

Mailing Address:

Home Phone:

Cell Phone:

Work Phone:

Email Address:

Project Information

Start Date: Completion Date:

Description:

Variances Requested:

Attachments: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Fence Addendum Form

Neighboring Fence Attachment Approval Information

The following Settler’s Point Property Owners have agreed to allow the attachment of my fence/fence sections to their adjoining lot’s existing/planned fence. It is understood and agreed that the attached fence may cross and exist on the adjoining property for purposes of attachment to their existing/planned fence.

Please have each property owner sign\* this form to indicate you have notified them.

**Date Printed Name Address or Lot # Signature**

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Lot Line and/or Joint Ownership Fencing Approval Information

The following Settler’s Point Property Owners have agreed to allow a “lot line” fend to be installed between my property and theirs. It is understood and agreed that the lot line fence may actually cross or span and exist on the adjoining property for purposes of attachment to their existing/planned fence.

Please have each property owner sign\* this form to indicate you have notified them.

**Date Printed Name Address or Lot # Signature**

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\*For non resident property owners, in lieu of a property owner signature, you may present a separate copy of this page with just their signature on the form (e.g., all signatures do not need to be on one page/form).

*The Settler’s Point Property Owner’s Association, its members, Board of Directors and Architectural Committee assumes no legal responsibility for these agreements. All legal responsibility and adherence to applicable ordinances and codes for these agreements are the responsibility of the property owner.*