

APACHE SHORES PROPERTY OWNERS ASSOCIATION

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Resolution of the Board of Apache Shores Property Owners Association, Inc

FENCE AND RETAINING WALL POLICY

WHEREAS, under the Bylaws for Apache Shores Property Owners Association, Inc., recorded April 21, 2003 under Document No TRV 20030, of the Official Public Records of Travis County, Texas; Apache Shores Property Owners Association, Inc., a Texas non-profit corporation (the "Association") is charged with adopting rules and regulations for the health and safety of the homeowners (as per Section 10 of the By-Laws) within Apache Shores Property Owners Association; and

WHEREAS, the Board Believes that it is in the best interest of the Association and the Owners to establish criteria regarding fences and retaining walls on all Lots; and

WHEREAS, the Declaration authorizes the Board to enforce the rules and regulations for the benefit of the Owners and the Property;

NOW THEREFORE, the Board resolves the following:

The Purpose of this document is to establish the policy, by which Apache Shores Property Owners Association, Inc. (ASPOA) will accept, review and approve plans and specifications to be in compliance with deed restrictions and health and safety matters; for all fences, decorative walls, and retaining walls to be constructed within the boundaries of the Apache Shores Subdivision.

FOR THIS POLICY:

Fence – defined as any fence, decorative wall, shrubbery, or other structure that provides boundaries within or around property. Any gate is considered an integral part of the fence and shall be subject to same policy.

Retaining Wall – defined as any structure that provides support for vertical or near-vertical grade changes and holds back soil or rock to prevent movement or erosion down slope.

GENERAL:

- A. A building permit is required for the construction of any new or modified fence or retaining wall.
- B. A building permit is not required for the maintenance of existing fences or walls if the finished product is identical in materials, dimensions, design, and location to that previously installed, as long as existing fence (and, thus, also the repairs) adheres to current fence guidelines.
- C. All fences and retaining walls must be constructed of new or approved materials and installed to meet quality workmanship standards
 - 1. Using quality products which are durable for the design
 - 2. Constructed in a consistent pattern (not haphazard, e.g. straight lines)
 - 3. Completed to a finished condition
 - 4. Maintained in a continually serviceable condition

D. All fences and retaining walls must be constructed entirely on owner's property unless "verifiably shared" with adjacent property owners

E. Any fence or wall (or any portion of it) constructed in an easement may require removal, temporary or permanent, at owner's expense. Owner may be responsible for either returning the fence or wall to the previous condition or removing it completely.

F. No fence or wall at any location or of any height or design shall be permitted in a manner that interferes with visibility of the road or street signs by vehicle or pedestrian traffic, or with parking in right of way. No fence or gate shall be installed in a manner that directly or indirectly impedes traffic in the roadway (e.g. vehicle must clear road while gate is being opened).

G. All Federal, State and Local laws must be followed with regard to property lines, easements, setbacks, rights of way, roadways, and necessary structural engineering

1. Retaining walls over 48 inches in height must be designed by a structural engineer

H. Specific layout, design and materials for fences and retaining walls will be approved and permits issued according to guidelines set forth by ASPOA (see attached).

PERMIT FEES, DEPOSITS, AND ACCOUNT STATUS:

A. All applicable fees, deposits, dues, assessments, and fines must be paid before a permit will be issued

1. Application Fee – Fee for administration and plan` review, as contained in the approved procedures for construction permitting by ASPOA, plus any and all fees charged by an ASPOA approved, State of Texas licensed building review and inspection firm

2. Deposit – Deposit, as contained in the approved procedures for construction permitting by ASPOA, to be refunded when inspection confirms project completion and compliance with approved plans

3. Dues and assessments - All maintenance dues and assessment fees on all of applicant's ASPOA properties must be paid in full

4. Fines - Any violations on all of applicant's properties must be brought into compliance, all fines must be paid, and account must be in good standing

SUBMITTAL:

A. A complete permit application must be submitted to ASPOA, including:

1. Construction permit application form

2. Project plans which clearly define:

a) Location of structure relative to property lines, setbacks, easements, road right of way, and road pavement

b) Dimensions of fence or retaining wall (length, width, and height of all components)

c) Design/configuration of all components

d) List of all materials to be used in the project

B. Incomplete submittals will not be reviewed until all required information is on file with ASPOA.

C. Review of submitted plans shall be completed by the ASPOA or its assigned State of Texas licensed building inspector within a reasonable time frame

1. Notice of decision will be communicated to you by ASPOA office manager.

D. All ASPOA building procedures and policies must be followed

INSPECTION REQUIREMENTS:

A. All construction or work for which a permit is required shall be subject to inspection by the ASPOA or their designated representatives.

1. Final inspection will confirm compliance with approved plans
2. If available, a survey of the lot should be submitted (in rare cases may be required) to verify the conformity of the structure to approved plans and specifications should there be any doubt or disagreement
3. If not built to plans, owner will be required to modify project until it meets plans
4. Owner may be subject to fines until project is in compliance

B. Deposit will be refunded after final inspection by ASPOA or designated representatives confirms completion of project and compliance with permitted plans.

ENFORCEMENT BY THE ASSOCIATION IS AS FOLLOWS:

A. Failure to obtain a permit prior to the start of construction will result in the following action to be taken by ASPOA:

1. Owner will be required to **STOP CONSTRUCTION IMMEDIATELY.**
2. An application fee for an ASPOA permit for construction and any deed restriction fine(s) will be due and **MUST** be paid according to the approved ASPOA construction permitting procedure before plans will be submitted for review. Incomplete submittals will not be reviewed until all required information is on file with ASPOA.
3. Any and all construction which is not compliant with this policy, deed restrictions, health and/or safety standards, or the adopted current building code must be corrected as a condition of any permit approval.
4. Additional fines and fees may be applicable according to deed violation policies.
5. Applications and plans shall be reviewed in the order they were submitted. No special consideration shall be given.

B. This policy, should it conflict with Federal, State, or Local law will subvert to those laws. Any conflict with other ASPOA policies must be brought to the attention of the ASPOA Board of Directors before continuing with the project.

This Resolution was adopted by the Board of Directors of the Association on September 29, 2010

RECORDED JUL 14, 2011

Attached below are the Guidelines for Building Fences in Apache Shores:

Apache Shores Property Owners Association

Guidelines for Fences and Retaining Walls

General:

All conditions and requirements set forth in the ASPOA Fence and Retaining Wall policy must be met

- A. Complete Fence and Retaining Wall permit application form must be submitted
- B. Construction plans must be included that clearly illustrate the following:

- Location of structure relative to property lines, setbacks, easements, house and other structures, road right of way, and road pavement
- Dimensions of fence or retaining wall
- Construction Design
- All Materials to be used

As per ASPOA Policy, no fence or retaining wall of any height or design shall be permitted in a manner that interferes with visibility of the road, street signs, vehicle or pedestrian traffic, or parking in right of way.

- A. On some properties this may require a 10 ft setback from the road right of way or 10 ft setback within property line

Additional information, conditions, or modification may be required before application can be approved or declined

Architectural Review Committee:

ASPOA Architectural Review Committee will review applications and issue permits for fences and retaining walls if the application adheres to the ASPOA Fence and Retaining wall policy and the following guidelines are met:

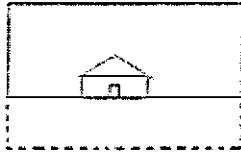
A. Fence Permit Guidelines

1. Height Limits

- When fence is behind or to side of house: 6 ft or less in height
- When fence is further forward than front walls of house: 4 ft or less in height

2. Open vs Closed Design

- When fence is behind or to side of house: open (see-through) or closed (privacy)
- When fence is further forward than front walls of house: open only



_____ Closed or Open design approved

----- Open design approved

3. Approved materials (individually or in combination)

- Class 1: Chain link, wrought iron, stone, concrete block, stucco, brick or shrubbery
- Class 2: Treated/preserved wood suitable for exterior use
- Class 3: PVC or other material that is approved by ARC
- Rolled Wire or wire panels might be permitted if framed in Class 1 or 2 materials (e.g. posts, top and bottom rails)
- Masonry supporting structures (columns or posts) constructed of rock, brick, stucco, or other material approved by ASPOA
 - a. Minimum of 14" x 14"
 - b. At least the same height as the approved fence height but not more than 6 inches taller
 - c. Placed on steel reinforced concrete footings which are placed into soil or solid rock
 - d. At least 2 inches larger on all sides than the finished masonry column/post
 - e. At least 8 inches in depth

4. Shrubby fences are not limited to the applicable height restrictions

- Must be pruned inside property lines and outside road right of way

5. Gates are treated as fences. All fence policies and guidelines apply. Exact design, location, and mode of operation must prevent interference with road traffic.

- Gate, in open position, can not extend into roadway
- Gate, when in open or closed position, can not be installed in a location which requires vehicle to stop in the road while opening and closing the gate (whether the gate is motorized or not)
- Vehicles must be able to clear the road entirely while stopping to open or close gate.
- No fences shall be approved for unimproved properties (vacant lots)
- Exceptions may be considered by the Board of Directors on a case-by case basis for open-design fences of 4 ft or less in height

B. Retaining Wall Permit Guidelines:

1. Retaining walls 48 inches or greater in height (at any point on the wall) must be designed by a professional engineer
2. Constructed of stone, concrete, or other materials approved by an ASPOA-recognized engineer or inspector
3. Submitted with engineered drawings of the site plan showing location of retaining wall and the drainage/grading plan (including weep holes, French drains, or other applicable drainage systems)

Plan review shall generally be completed within 30 days of receipt of complete application

- A. Incomplete or inadequate applications may require more than 30 days for permit to be approved.

Board of Directors Review

Any application for fence or retaining wall permit that does not meet the above ARC guidelines will require additional review by the ASPOA Board of Directors

- A. May or may not receive approval
- B. Review process may require an additional 30-60 days
- C. Board of Directors may require additional information, conditions, or modification before application can be approved or declined (e.g. approval of adjacent property owners, changes in location, height or materials)