

Rules & Regulations

GUIDELINES FOR CONSTRUCTION IN SETTLER'S MILL

Prior to clearing your lot, you must submit to the ARB at DMI Corporation offices, 1111 Old Colony Lane, the application for architectural review and the checklist of architectural review procedures including all items required which are listed thereon.

The following paragraphs are also to be incorporated in the Settler's building process:

- o Complete submissions for architectural review MUST be provided to us before you clear your lot. We will approve your plans very quickly if you will provide complete information. See the ARB application for a list of required items. We must insist that this procedure be followed - we do not want to seek enforcement options on this. Once approval is given, all materials must be installed as specified. Any substitutions require a second approval process.
- o All foundations and exposed basement walls must be brick or an approved substitute.
- o Architectural grade shingles are required on all homes. This type produces a nice shadow line, and is not just a generic type.
- o All chimneys on exterior walls must be all brick. If you want to use another material on an interior chimney, it must be shown on your plans and will be subject to ARB approval.
- o Full-width shed-type dormers used to create rooms over garages will only be approved if they preserve the original eave line of the main roof.
- o Brick-front houses may be required to have one side in brick as well, to give the appearance of an all-brick house from the approach side. Look at the Bowen house at 104 Wood Pond Circle, for a good example.
- o All driveways, aprons and turnarounds must be exposed aggregate concrete, or an approved substitute.
- o The only vinyl siding that is routinely approved is made by Wolverine. If you want to use another brand, you must submit samples and specifications for approval. Also, if vinyl trim is used, it must be wide enough to approximate the look of wood trim.
- o **KEEP YOUR LOT CLEAN ON A REGULAR BASIS!** The appearance of your construction site is very important, not only for potential customers but also for the residents. Effective immediately, trash containers will be required for each lot as provided in paragraph 7.1 (24) of the Covenants & Restrictions. Also, enforced will be 7.1 (22) requiring screening of HVAC equipment which may be seen from the street.

Settlers Mill Association
**Architectural & Maintenance Standards
Handbook**

**Prepared By
The Architectural Review Board**

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Introduction

The primary objective guiding all actions of the Architectural Review Board is to protect the right of individual homeowners to enjoy their property. Homeowners have a right to satisfy their own tastes, styles and needs, as long as the rights of others are not abridged. They also have a right to be protected from seeing abandoned vehicles parked on overgrown lawns, commercial/recreational vehicles blocking their view, etc.

Unfortunately, in the past few years, the community has encountered several situations in which homeowners have felt their rights were abridged by the neighbor's actions or lack thereof and have looked to the Board of Directors or the Architectural Review Board for relief. Without definitive standards in place, the Association has at times been without the means to obtain compliance from those who would abuse their rights at the expense of others. It was for this reason, the Board of Directors commissioned the drafting of the Architectural & Maintenance Standards and the Resolution on Due Process Procedures. It is hoped that these documents will provide useful guidance to homeowners who wish to significantly alter the appearance of their homes and will help to eliminate disputes between neighbors.

Objectives of Architectural & Maintenance Standards

All lots within the Settlers Mill Association are subject to the provisions of the Virginia Property Owners' Association Act (Va. Code Sections 55-508, *et seq.*) ("Act") and the Settlers Mill Association's Declaration of Covenants and Restrictions ("Declaration"). These authorities provide for the establishment of the Association's standards. This document sets forth those standards. These standards are enforceable as rules and regulations of the Settlers Mill Association pursuant to the Board of Directors' rule-making authority as set forth at Va. Code 55-513.

Within this document references are made to the Association, Settlers Mill Association, SMA, and to the Association's Board of Directors. These terms refer to the Settlers Mill Association, an incorporated, non-stock community association organized and operating in accordance with the Act. The standards set forth herein apply to the members of the Association. Restrictions and procedures set forth in these standards are in addition to the restrictions, procedures, and ordinances of James City County, Virginia and the Chesapeake Bay Preservation Ordinance.

The specific objectives of this booklet are to: increase the residents' awareness and understanding of the Covenants and ARB Standards in effect in Settlers Mill, describe the architectural standards and review procedures established by the Covenants, illustrate design principles to aid residents in the development of exterior improvements that will harmonize with the immediate neighborhood and the entire community, explain the role of the ARB, assist residents in preparing acceptable applications to the ARB, and, provide the ARB with uniform guidance for the review of applications.

Protective Covenants

The Declaration of Covenants and Restrictions (“Covenants”) is one of Settlers Mill Association’s governing documents. The Covenants set the standards by which Settlers Mill’s quality of design is implemented and maintained. The Covenants have been recorded in the land records of James City County, Virginia; all lots sold within Settlers Mill are subject to these Covenants. They “run with the land” and are binding upon all property owners and their successors in title. One advantage of owning a home in Settlers Mill is its protective covenants. They preserve the character of the community as it was envisioned when development of Settlers Mill began. They also aid materially in the preservation of the investment in your property. When you purchased your property, you agreed to comply with those same standards and to help maintain them. For this reason alone, the Covenants should be reviewed periodically and fully understood by every property owner.

Every Settlers Mill property owner should have received a copy of the Covenants prior to or at the time of settlement. If you do not have a copy, please contact the Association to obtain your copy.

Types of Requirements

There are six major types of requirements which come into play when a homeowner pursues a project to add, alter, or change the external portion of his / her property and land. The first type is the County Code requirements for R1 residential neighborhoods. The second is the restrictions described in the Chesapeake Bay Preservation Ordinance. The third is the use of the SMA Build-out Factor which limits the amount of total building one can do on a lot. The fourth type is SMA Covenants and Restrictions. Fifth is the SMA Architectural Standards. The sixth requirement is the James City County Building Code.

County Code requirements and the Chesapeake Bay Preservation Ordinance may be obtained from the County Offices located on Mounts Bay Road. The SMA Declaration of Covenants and Restrictions should have been provided to you prior to or during settlement on your lot or home. If you need a copy of them, they may be obtained from the Association. The document you are reading embodies the requirements for architectural standards established by the Settlers Mill Association. Section VI of the document describes the use of the SMA Build-out Factor.

The Architectural Review Board (ARB)

The purpose of the ARB is to assist in maintaining an acceptable quality standard and an aesthetically pleasing appearance to our community. By purchasing property in Settlers Mill subject to the Declaration, each of us has entered into a contractual agreement to

support this endeavor, and each property owner benefits from the outcome of the ARB's work. The ARB performs a critical planning function in reviewing and assisting homeowners in developing their plans for construction and improvements. The ARB's goals are to ensure that the improvements made by owners to their lots add value to the community and minimize any negative effect that such changes may have on neighbors. The other function that the ARB performs is the support of community regulations and standards by resolving compliance issues.

Article VI of SMA Declaration of Covenants and Restrictions established the ARB and sets forth its authority to regulate external design, appearance, use, location, and maintenance of the property and of improvements thereon. The ARB is made up solely of volunteer homeowners. The ARB performs two types of reviews, a New Construction Review and a Modification and Change Review. New Construction Reviews ensure that the development, site and architectural plans proposed by a builder are of high quality and reflect the aesthetic standards of Settlers Mill. Modification and Change Reviews ensure that proposed exterior alterations comply with the objectives set forth in the Covenants.

Article VI, Sections 6.2 and 6.3 of the Covenants explicitly state that all exterior alterations, permanent or temporary, may not be done without the prior approval of the ARB, except as otherwise expressly provided in this document or the Declaration of Covenants and Restrictions. No new home construction, external modification of a residence, or construction of a fence, wall, or other structure, shall commence, be erected, maintained, improved, altered, or made on such property without the prior written approval of the ARB.

The ARB Application Process

ARB Application Requirements

The form, "APPLICATION to the ARCHITECTURAL REVIEW BOARD" (attached hereto) must be completed, signed by the homeowner, submitted in duplicate, and be approved by the ARB prior to start of construction. Submissions, which do not meet the requirements stated on the ARB application form, shall be returned to the homeowner. An incomplete or ambiguous submission of required material will not constitute an application to the ARB.

Application Evaluation

An ARB application "evaluator" will be assigned to evaluate the completeness of the application. If the application is complete, the evaluator will send the homeowner's application to the ARB Committee to initiate the review. If the application is not complete, the evaluator will return the application to the homeowner noting the application's deficiencies. The homeowner may discuss the application with the evaluator and resubmit the application to the evaluator. Once the application is properly completed, the evaluator will forward it to the ARB Committee.

Application Review

On receipt of the homeowner's application, the ARB will attach the 'ARB Review Control Form' to the application. This control form will stay with the application throughout the review process and be filed as part of the application's permanent record.

Any application that requests deviation from published standards must be presented to all adjoining property owners for their consideration and comments before the ARB will consider the application.

In making a decision on the application, the ARB shall consider the application with respect to the criteria set forth below. The ARB will also consider the neighbor reviews and the Association's standards. The ARB's decision will be given in writing to the applicant within 30 days after receipt of a complete application.

Each application is reviewed on an individual basis. There are no "automatic" approvals, unless provided for specifically in these architectural standards. A homeowner who wishes to construct a deck, for example, that is identical to one already approved is still required to submit an application. What may be an acceptable design for one exterior may not be for another. In short, evaluation of the design proposal includes the close review and consideration of the home's architecture and the property site in total.

Judgments as to the acceptability of proposed construction or modifications are based on the following criteria:

- (1) Relation to the Settlers Mill Open Space Concept. Consideration must be given to the potential damaging effects of fencing, removal of trees, disruption of natural topography, and changes in storm water run-off.
- (2) Validity of Concept. The basic idea must be sound and appropriate to its surroundings.
- (3) Design Compatibility. Proposed improvements must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. They must be similar in style, quality of workmanship, materials, color and construction details.
- (4) Location and Impact on Neighbors. Proposed alterations must relate favorably to the landscape, existing structures and the neighborhood. Of primary concern are access, view, sunlight, ventilation, noise, odors, vehicular and pedestrian traffic, privacy and drainage.
- (5) Scale. The size (in three dimensions) of the proposed alteration should relate well to adjacent structures and surroundings.
- (6) Color. Color may be used to soften or intensify visual impact. Parts of the addition that are similar to the existing house, such as the roof and trim, must be matching in color.
- (7) Materials. Continuity with the original house is established by using the same or compatible materials. For example, vertical wood siding on the original house should be reflected in an addition. The ARB realizes that the design and the materials of the original house may limit options the homeowner has in making modifications or additions.
- (8) Workmanship. The quality of work shall be equal to or better than that of the

surrounding area or original construction. Construction methods and materials are expected to comply with current industry standards. The Settlers Mill Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.

(9) Landscaping. Any alterations or additions to the existing landscaping should be indicated.

(10) Timing. All applications must include a start and completion date. Projects that remain incomplete for long periods are visually objectionable and can become a safety hazard. The ARB has the right to disapprove a project whose time period is considered unreasonable. Charges may be assessed for unjustified delays in project completion.

If during the course of the project the homeowner (or his contractor or agent) deviates in any manner from the plans set forth in the project application and approved by the ARB, the ARB's approval of the application shall be deemed automatically withdrawn and the application invalidated. The homeowner thereafter proceeds with project completion at his risk. The Association's failure to discover any such deviation until after project completion shall not give rise to a defense of laches, shall not be deemed a waiver, and shall not stop the Association from seeking injunctive relief thereafter.

Although the ARB shall at all times consider applications with respect to these objective criteria; a design concept within a community also includes certain subjective qualities. Preserving that design concept and the overall aesthetic appearance of the community will thus necessarily entail the exercise of subjective judgment by the ARB. The Board of Directors of the Association hereby confers upon the ARB the authority to exercise its unfettered subjective discretion, judgment and collective taste in the review of applications. Applications may be disapproved solely upon the exercise of such subjective judgment by the ARB.

Appeal Procedure

ARB decisions may be appealed to the Settlers Mill Association Board of Directors.

Limitation of Additional Structural Improvements on Your Lot

A component of the design concept of the community was to create visual sight lines and an appealing spaciousness within the community, while at the same creating the ambience of a neighborhood. In order to preserve that element of the design concept, the ARB shall use the Build-out Factor when considering applications for additional lot improvements. This computation is not a procedure to determine the size allowed for the construction of a specific outbuilding, deck, addition or other construction. Rather, its sole purpose is to set a limit as to the total amount of structural improvement that a homeowner may erect on his property. The Build-out Factor of .30 will assure that the amount of building ("building presence" on the lot) is within an acceptable visual standard for our community.

The following shows how the Build-out Factor is used for assessing the level of building presence on a homeowner's lot.

Computation of Homeowner's Available Property Build-out
(Measurements are in square feet.)

- (1) Applicant's Lot Size _____
- (2) .30 X (1) = _____ = Maximum property build-out allowed
- (3) Living Space _____ = Excluding below grade
- (4) Attached Garage _____
- (5) Detached Garage _____
- (6) Open Porch _____
- (7) Enclosed Screened Porch _____
- (8) Raised Decking _____
- (9) Existing Outbuilding(s) _____
- (10) All Other Structures _____
- (11) Add (3) through (10) = _____ = Current property build-out
- (12) **Applicant's available build-out** = (2) - (11) = _____

Modifications and Changes Requiring ARB Applications

This section presents many of the items that homeowners may want to install, modify, alter, or construct. Standards are provided for each of these. This section is not all-inclusive. There may be other external additions and alterations, which will require ARB approval. In these cases the homeowner should seek ARB approval.

Major Exterior Changes

Major alterations are those that substantially alter the existing structure either by subtraction, addition or design (changing a gabled roof to a flat one, for example). However, other site changes, such as driveway modifications, are also included. Major building alterations include, but are not limited to, construction of driveways, garages, porches, greenhouses (attached and detached), rooms, fireplaces, chimneys, or other additions to a home.

The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent homes. The location of major alterations should not impair the sight lines, the amount of sunlight, or the natural ventilation of adjacent properties. Roofs must match the slope, overhang length and architectural style of the roof on the applicant's house. New windows and doors should match the type used in the applicant's house and should be located in a manner that will relate well to the location of exterior openings in the existing house. If changes in grade or other conditions, which

may affect drainage, are anticipated, they must be indicated. An application shall be denied if adjoining properties are adversely affected by changes in drainage.

Construction materials must be stored so that impairment of views from neighboring properties is minimized. Excess materials should immediately be removed after completion of construction. No debris may be allowed to accumulate during construction.

The proposed structure must be compatible with the original structure and in keeping with the existing lot size.

In addition to the general application requirements, an application should include exterior elevations, a set of architectural drawings, details on exterior materials, trim, lighting, etc. In all cases the application must include a copy of the material that is to be submitted to James City County for a building permit.

Decks and Patios

Patios or decks are to be located in rear yards. Applications for front or side yard locations based on exceptional circumstances will be evaluated on their individual merits. Decks must be attached to the home and constructed within the build-able area of the plot. In no case shall the ARB permit the construction of a deck closer to the property line than the set back established by James City County. Your privacy and that of your neighbors must be considered in the placement of a deck.

The design and construction materials must be consistent with your house and the neighborhood. Wood decks are allowed to weather naturally or be stained or painted. If the owner intends to stain or paint the deck, the brand and color of the stain/paint shall be specified on the application and a color sample or chip included therewith. When patio or deck schemes include other exterior changes, such as fencing, lights, plantings, etc., you should refer to the appropriate sections of the standards for their specific requirements. Indicate on the application if the area under the deck is to be used for storage. If so, include landscape/screening plans.

In addition to general application requirements, deck and patio applications must include dimensions of railings, posts, stairs, steps, benches, lattice, privacy fencing and height of the deck.

Driveways

Exposed aggregate concrete similar in color to existing driveways in the community must be used in all new driveway construction and driveway repairs.

Drainage

You must indicate on the ARB application any changes in grade or other conditions that will affect drainage. Approval will be denied if adjoining properties are adversely affected. If a patio is being considered, attention should be given to making ground level surfaces of porous materials or providing mulched beds that will absorb runoff from

impervious deck or patio areas.

Exterior Lighting

Lighting which is part of the original structure shall not be altered without ARB approval. Light fixtures, which are proposed in place of the original fixtures, must be compatible in style and scale with the house. No exterior lighting shall be directed outside the applicant's property. In addition to the general application requirements, the application should include all dimensions of the fixture and the height that it is to be mounted above ground.

Exterior Painting

Color changes apply not only to the house siding, but also to the doors, shutters, trim, roofing, and other appurtenant structures. Change of exterior colors should relate to the color of the houses in the immediate area. Repainting or staining of a specific object to match its original color does not require approval. The homeowner's application should include a list of colors on the existing structure and a color sample or chip of the new color to be used.

Fences

It is usually attractive and desirable to visually extend properties beyond the property lines. This should be kept in mind when considering fencing, which by its very nature, tends to physically define and separate areas and makes yards appear smaller. Often, open fence designs, e.g. split rail, are more visually appealing than closed picket or pale fences. There are alternatives to fencing that may achieve the desired objectives. For example, short segments of fencing may be combined with landscaping to achieve the desired screening. Planting schemes can be integrated with all fencing to soften the visual impact and should be considered.

The following are several conditions, which must be met when constructing a fence:

- (1) Chain link fencing is not allowed except to enclose the community swimming pools and tennis courts.
- (2) Perimeter property line fencing should not extend forward of the rear plane of the applicant's house. Side yard fencing may be considered when site conditions warrant.
- (3) Corner lot fencing should not extend closer to either street than the closest point of the house to the street. However, corner lot fencing may be allowed to extend into side yards when taking into account how the house is sited to the streets, or when the side yard does not act as a front yard for neighboring properties. If a hardship is created by not allowing the fence to be placed within a portion of the side yard the ARB may allow the fencing.
- (4) Relationship to adjacent houses and other factors on the side of the house will also be considered in determining fence location.
- (5) Property line fencing that is not along subdivision external property lines should be an open picket design. Fence pickets shall not exceed 48 inches above grade, and the pickets must be on the outward side of the rails.
- (6) Property line fencing that is along subdivision external property lines may be of a privacy type consistent to the height, design and material of that fencing the Settlers Mill Association owns along the external property lines.
- (7) Fencing may not extend into a conservation zone without authority to do so.

- (8) Gates should be compatible to fencing in design, material, height, and color.
- (9) Synthetic material, such as vinyl, may not be used.
- (10) Attached trellises are allowed only on approval of the ARB.
- (11) Fastening material shall be made of stainless steel, galvanized metal, or made with a rust protective coating.
- (12) All fencing must be compatible with the materials and colors in the applicant's house. Fencing may be stained, painted, or left to weather naturally.

Fencing must be properly maintained and kept in good condition. No alteration may be made to an existing fence prior to the approval of the ARB.

Flagpoles

Permanent flagpoles must be of a height, color and location that are appropriate for the size of the property and the background. Appropriate freestanding flagpoles are generally approved. No more than one freestanding flagpole shall be approved per lot. They must be installed and maintained in a vertical position. The homeowner's application must include a description of the material, color and dimensions of the flagpole. Freestanding flagpoles are approved for the display of the flags of the United States of America or the Commonwealth of Virginia, or the service colors of the various branches of the Armed Forces of the United States. No more than two such flags shall be displayed from a flagpole. Any other type of decorative or seasonal flag or other types of flags shall be displayed from temporary flagstaffs as described below.

Temporary flagstaffs do not need ARB approval if they are no longer than six (6) feet and attached at an incline to the front wall or pillar of the house or dwelling.

Garages

Detached garages must be located fifteen feet from the rear and side lot lines. Exceptions to the alignment may be granted if unusual circumstances exist. Only single vehicle detached garages are allowed. They may not exceed a 360 square foot footprint. An approved garage must be constructed as a typical garage (*e.g.*, standard garage door and attached driveway, etc.). Detached garages may not have air conditioning or be heated by use of a heat pump. The garage's design and architecture must meet the requirements described for Major Exterior Changes, above. The garage may only be used for its intended use, (housing a vehicle and providing for a nominal work area and storage). Detached garages shall not be used for band playing, music recording, housing a business operation, *etc.*

Greenhouses

Detached greenhouses will be reviewed under the same criteria as outbuildings with consideration for the special requirements of sun orientation. Attached greenhouses will be reviewed as room additions with special attention given to visibility of interior activities. The homeowner's application must include the greenhouse exterior elevations, a set of architectural drawings, and details on the exterior materials, trim, lighting, *etc.*

Hot Tubs, Jacuzzis and Spas

Hot tubs, Jacuzzis and spas must be incorporated into an existing/planned deck or patio. The deck or patio must be attached to the house. Privacy fencing and/or year-round landscaping must be provided as screening from adjacent properties and from the street. Free standing hot tubs, Jacuzzis and spas are not approved. The homeowner's application for a hot tub, Jacuzzi or spa requires a site plan showing relation of proposed hot tub, Jacuzzi or spa to adjacent property lines, the applicant's house and adjacent houses. The following should be included with the application: a photograph and/or sketch of proposed hot tub, Jacuzzi or spa, details of color, material dimensions, and planned privacy screening and/or landscaping.

Outbuildings

An outbuilding has an aesthetic impact on neighbors. A poorly designed or inappropriately placed outbuilding can visually and functionally negate an otherwise desirable residential area. The size, location, construction, and use of an outbuilding are critical to its acceptance by the neighbors, the community, and by the ARB. The outbuilding must be designed to respect the "visual rights" of neighboring properties. Therefore, the ARB will be extraordinarily diligent in its review of applications for outbuildings.

Only one outbuilding of a maximum size of 150 square feet is allowed on a homeowner's property. The maximum allowable height measured at the peak of the building will be ten (10) feet. Requests for a taller outbuilding may be considered by the ARB if the applicant has approval letters from all adjoining property owners. Exceptions to the height restriction will be considered on a case by case basis.

The outbuilding may be used for storage or a hobby of interest. It may not be used as an office for a business or for living quarters of any kind. The home may be used for these purposes. The outbuilding may not be air-conditioned and it may not be heated by use of a heat pump. The outbuilding must be placed to the rear of the lot. However, it may not be located less than 15 feet from a side or rear lot line.

The outbuilding must be compatible with the home in terms of color and style of the shingles, windows and doors and siding color. The roof must overhang the walls by at least six (6) inches.

Permanent Grills

Permanent grills are allowed with ARB approval. An application for a permanent grill must show its design and elevation, and how it is incorporated into the yard, patio, deck or other surroundings.

Privacy Fence and Lattice Screening

The use of lattice below elevated decks is required. Waivers of this requirement may be given for walkout areas beneath raised decks. Privacy screening, consisting of fence/lattice and/or year-round landscaping, is required to screen hot tubs and Jacuzzis from adjacent properties and from the street. While the use of privacy fence/lattice is generally discouraged above the flooring of decks and patios, consideration will be given

to applications proposing such screening in circumstances in which the deck/patio is exposed to the street or the property configuration does not provide reasonable separation from adjoining properties. Privacy screening other than lattice will be considered on a case-by-case basis, but stockade-type privacy fencing is not an option.

An additional factor that will be considered in reviewing applications for privacy screening is the effect it will have on the sight lines from adjoining properties.

Radio Antennas

Stationary antenna used to receive and or broadcast communications such as HAM operations, long range communication, and local communication must be approved by the ARB. They should be placed in an unobtrusive location that has the approval of the applicant's neighbors and the community in general. Also see Communication Equipment in Section VIII.

Recreation and Play Equipment

The following standards are an effort to reconcile the need for play equipment with the goal of minimizing its visual impact. Careful thought should be given to location and kinds of equipment the homeowner plans to install. Please keep in mind that a tot lot and a pavilion are maintained by the Settlers Mill Association and are available for use by all residents.

Recreation and play equipment must be placed in the rear yard. Consideration must be given to the placement of equipment based on lot size, equipment size, colors and design, the amount of visual screening available, *etc.* The proposed location in the rear yard of the play equipment should take into consideration the noise and sight impact to neighbors and attempt to minimize such impact to the greatest extent possible.

Play equipment constructed of wood is encouraged. Metal play equipment, exclusive of the wearing surfaces (slide poles, climbing rungs, etc.), should be painted dark earth tones to blend with the natural surroundings, or, if located adjacent to a dwelling, painted to match the background or screening structure. Other play equipment colors will be considered, contingent upon location and landscaping.

The homeowner's application for play equipment should include a plot drawing showing the relation of proposed play equipment to adjacent property lines, applicant's house and adjacent houses including open space. A photograph, picture, or sketch of proposed play equipment must also be included.

Retaining Walls

Retaining walls may be constructed of treated wood, brick or stone and must meet all requirements of the James City County codes Compliance and Environmental Divisions. If a permit is required, a copy must be attached to the application. Drainage of surface water affected by the construction of the retaining wall must not adversely affect any adjoining properties.

Screened Porches

Enclosed or screened porches must be architecturally consistent with any proposed deck, an existing deck, and the house. The roof must match the slope, overhang length and architecture, shingle type and color of the house roof. Other roofing types will be considered on a case by case basis. A proposed outside entrance door must match the color and construction of the structure it serves.

Skylights and Solar Tubes

Skylights and solar tubes may not be installed on front facing roofs. Applications must be submitted to the ARB for their installation.

Storage Sheds

No freestanding sheds are allowed on the property. Sheds may be attached to the home or to a deck. The architectural design of the shed must be compatible with the design of the house, and may be built below an elevated deck. The finish material used for the shed must be the same as the exterior finish of the house. If the shed is built below a deck, which is elevated 8' or less, the material must match the deck. The color scheme must be the same as that of the house or deck. The roof slope and the type and color of the roofing material (shingles, etc.) should match those of the house.

While sheds must provide sufficient volume for their intended use, they must be of an appropriate size relative to the property and be architecturally compatible with the applicant's house.

Storm and Screen Doors

Rising energy costs have encouraged homeowners to take measures to conserve energy through installation of storm doors. Energy conserving measures, however, should and can be done without compromising the visual quality of the neighborhood. Storm and screen doors should be straightforward and without ornamentation such as scallops, scrolls, imitation gate hinges, etc., and should be painted the same color as the entry door behind or the trim around the entry door. Favorable consideration will be given to doors that are the same color as the architectural trim or siding. Approval will depend upon the design of the door and its compatibility with the design of the house.

No application is required if the storm or screen door is a full view or full paneled door that is the same color as the entry door or the trim around the entry door.

Swimming Pools

Only in-ground swimming pools will be considered for approval by the ARB. Pools are to be located in the rear of the house. A fence four (4) to five (5) feet in height and of the open type, compatible with the design style of the house may be required to enclose a pool used for swimming and for screening pool equipment. Approval of the fence is contingent upon completion of the pool. Appropriate landscaping may be required to lessen the impact of the pool and fence. All James City County pool construction and pool safety requirements must be met prior to final approval from the ARB.

The homeowner's application must include detailed drawings of the pool, pool deck area, lighting arrangements, walkways, fences, landscaping plan, etc., and pertinent information concerning water supply system, drainage and water disposal system.

Tree Removal

Trees greatly enhance the appearance of individual lots and the overall community and should be left standing whenever possible. Homeowners must submit an application to the Architectural Review Board requesting the removal of any live tree six (6) inches or more in diameter and for live flowering trees (i.e. redbud, dogwood) or evergreens larger than two (2) inches in diameter. The removal of obviously dead or dying trees will be approved. The ARB will approve the removal of trees which a qualified, professional arborist has declared to be beyond saving and which pose a potential danger to houses, other buildings or other surrounding landscaping. The ARB requests that homeowners remove dead or dying trees before they become a hazard. Situations where a tree has significantly overgrown its location or where the number of trees in one location has begun to detract from the overall appearance of the property will be considered on a case by case basis. Other situations presented in homeowner applications which do not conform to these guidelines will be considered on a case by case basis. Homeowners will be strongly encouraged to replace removed trees whenever practical. Tree removal must comply with all county ordinances on tree cutting (consult James City County Extension Office).

Other Architectural Standards

In addition to controlling construction, improvements, and changes to reduce any undesirable impact on the community, the ARB is responsible for monitoring community regulations and standards. The SMA Board of Directors has the authority and the responsibility for enforcement of the regulations and standards. The following list is not all-inclusive, but covers the most common issues that would be involved.

Air Conditioning and Heating Units

Only central air conditioning and heating units are approved. Window units mounted in windows or through a wall are not approved.

Attic Ventilators

Attic turbines are not allowed. Attic ventilators may be installed. An attic ventilator may be mounted inside the attic, and directed out the gable. It must not be visible from the exterior. It must not be so loud as to disturb neighbors.

A roof attic ventilator may be installed only on the outside of a rear-facing roof. It must be placed at least three feet below the roof ridgeline.

Basketball Goals

Portable basketball goals may be used, but to ensure safety of the players, at no time will the goals be placed facing the street. Portable goals should be stored behind the front face of the house when not in use.

Fixed goals should be placed behind the front face of the house. Basketball goals must be properly maintained and located in such a manner as to minimize the impact on adjacent lots

Chimneys

All chimneys on exterior walls must be constructed of brick or an approved substitute.

Clotheslines

Clotheslines are not permitted.

Communication Equipment

No transmitting equipment or communication equipment shall be operated within Settlers Mill that will in any manner interfere with telephone, home security system, radio, television, or standard electronic equipment used by residences within Settlers Mill.

Compost Piles

Compost piles must not exceed four (4) feet in height. They must be located at the rear of the lot. Failure to maintain a satisfactory compost pile, or allowing it to become unsightly or a public nuisance, will be a violation of these standards.

Dog Houses and Animal Runs

Doghouses must be compatible with the design of the applicant's house in color and materials and shall be located in the rear yard immediately next to the house. No dog or animal runs are allowed. Runs are fenced areas built solely for the use of the dog(s) or animal.

Erosion Control

Each resident is responsible for seeing that their lot area is protected from erosion and that storm drain structures are not blocked so as to cause erosion problems which will promote silt in ponds, ravines, and stream beds.

Exterior Appearance / Property Maintenance

Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, sheds, and playground type equipment. While it is difficult to provide precise criteria for what the Association deems an unacceptable condition, the following cases represent some of the conditions considered being in violation of the Covenants:

- (1) Peeled paint on any exterior surface.
- (2) Deteriorating and / or damaged house trim, windows, shutters or siding visible from the street.

- (3) Mold on roof or any other exterior surface.
- (4) Dented mailboxes, or mailboxes and/or stands in need of repainting.
- (5) Playground equipment which is either broken or in need of repainting.
- (6) Fences with either broken or missing parts.
- (7) Outbuildings or sheds with broken doors or in need of painting or other types of repair.
- (8) Decks with missing or broken railings or parts, or parts in need of re-staining or painting.
- (9) Open storage/accumulation of assorted personal use items such as seasonal recreational equipment (out of season), household furnishings, tools and equipment, etc., in areas visible to neighboring properties.

Property ownership includes the responsibility for the maintenance of all structures and grounds, which are a part of the property. This includes, but is not limited to items such as mowing grass, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. Violations of maintenance standards are violations of Article VII of the Covenants.

Any of the following conditions will be considered a violation of ARB standards:

- (1) Lawns with grass in excess of six (6) inches in height.
- (2) Planted areas containing weeds or dead plants during the growing season.
- (3) Indiscriminate use of pesticides, fertilizers or herbicides which harm plant and animal life.
- (4) Accumulated trash or debris.
- (5) Conditions which cause erosion or flooding.
- (6) Dumping of organic debris (leaves, grass, clippings/cuttings, and branches) in sewer drains, on other lots and on any common area.

Most residents, undoubtedly, would not allow any of the above conditions to exist, as they seek to preserve and protect their investment in their homes and to limit their personal liability by keeping all improvements on their lots in good condition. The Association expects that all residents will perform this necessary maintenance to prevent any of the cited conditions from occurring in Settlers Mill.

Exterior Decorative Objects

Exterior decorative objects are allowed. They include such items as birdbaths, wagon wheels, sculptures, pools/ponds, stumps, driftwood piles, and items attached to structures. However, these objects must be kept in proper condition and not give the appearance of a cluttered house or yard. Additionally, these items must be incorporated into and be visibly a part of a landscaping plan or scheme. If the ARB determines in its subjective judgment that these requirements are not being met, the homeowner must correct the situation when asked to do so.

Firewood

Firewood shall be kept neatly stacked and located at the rear of the residence within the

owner's property lines. Piles larger than two (2) cords require approval. Piles longer than 6 feet should be 2 rows deep at a minimum. Piles must not exceed 4 feet in height. Firewood piles must contain firewood only, and shall not be used for storage of debris. Bright colored cover material is not allowed. The firewood should be located in such a manner as to minimize visual impact. In certain cases, screening may be required. If there are any variations from the above information, ARB approval is required.

Holiday Decorations

Holiday Decorations must be removed from the exterior of the house no later than one month after the holiday.

House Numbers

House numbers may not be painted on the curb.

In-Home Businesses

An in-home business is defined as any structured or repeated activity in the home which supports the homeowner's livelihood or an activity that is connected with the homeowner's profession, avocation or benevolence and meets the requirements of the James City County zoning ordinances.

In-home customer-oriented businesses are not allowed. An in-home customer-oriented business is an in-home business that draws persons, employees, customers, or patrons to the home and thereby results in any increase in vehicular traffic or the increase of on street parking in the community. This would include businesses such as manufacturing, trade, commerce, industry, profession, group mentoring or training, group functions, (a group is defined as three or more persons), charitable service, in-home day-care, and, detention or rehabilitation services.

Landscaping and Vegetable Gardens

Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines required for vehicular traffic or of natural beauty. Also, the view of neighboring houses and the shade patterns created by large trees must be considered in your landscape plans.

Artificial vegetation may not be used as a landscaping feature.

Vegetable gardens must be located to the rear of the lot. Gardens must be neatly maintained throughout the growing season; such maintenance includes removal of unused stakes, trellises, and dead growth.

Rocks in rock gardens or rocks on the property must remain their natural color.

Mailboxes

Mailboxes are in a very visible location. They must be maintained in proper condition and meet all requirements established by U.S. Postal Service regulations.

Portable Storage Containers

Commercially available, portable storage containers are allowed for a period of two weeks without ARB permission. The container(s) must be located in the homeowner's driveway and not in the street. An application must be submitted to the Architectural Review Board for periods longer than two weeks specifying why an extension to the two-week period is necessary and the length of time the container(s) will be on the property.

Private Property

Permanent signs are not allowed. Temporary signs are allowed but are limited to those signs that announce yard sales, open houses or any other neighborhood event. The temporary signs may be placed seven (7) days prior to the event and must be removed within twenty-four (24) hours after the event. These temporary signs must not be larger than six (6) square feet.

Political signs are classified as temporary signs and are subject to the restrictions as stated above but may be placed sixty (60) days prior to the election and must be removed within twenty-four (24) hours after the election.

Real estate signs must meet county regulations with respect to size, content, and removal. Only one real estate sign is allowed per property and it must be placed in the front yard. Real estate signs must be removed within forty-eight (48) hours of contract closing.

Signs

Common Areas

The only signs allowed in common areas are those signs that are authorized by the Settlers Mill Association Board of Directors or their agent.

Solar Collection Devices

Solar Collection Devices, when used, must be installed in such a manner as to blend as closely as possible into the surrounding architectural elements in relation to color, size and location and aesthetically not detract from the overall appearance of the community. Any device installed preferably will be on the rear of the structure. All proposed solar collection devices require ARB approval prior to installation.

Storm Windows

Homes in Settlers Mill have been designed so that the addition of storm windows on the outside would seriously disrupt architectural continuity. Therefore, they are not allowed on the home.

Trash and Recycling Containers

Trash and recycling container(s) shall not be placed on the curb prior to the evening before scheduled pickup. Container(s) shall be removed and stored out of sight at the earliest opportunity the same day as trash/recycling pick-up

TV Antennas

The installation of antennas for the reception of general public broadcast from satellite communications is governed by FCC regulations. The FCC allows the homeowner broad latitude in placement of the antenna. However, the FCC also recognizes that community associations may indicate preferred locations on the individual lots, provided that such locations do not increase the cost of, delay the installation of, or impair the reception of an acceptable quality signal. It is in the interest of the community that homeowners position the antennas in an unobtrusive location to minimize the visual impact of the antennas. Homeowners shall place satellite dish antennas on their lots in locations that have the least visual impact. Homeowners who are considering obtaining satellite television service shall notify their installer of this regulation **prior** to installation, and shall direct the installer to comply with the Association's regulation to the greatest extent practicable, consistent with the FCC's regulations. If two or more locations on the lot are suitable for placement of the antenna, the least noticeable location shall be selected.

Under Deck Storage

When using the under deck area for informal storage, the impact on neighbors must be kept in mind. Storage should be maintained so as to present a neat, uncluttered appearance. Screening or landscaping will be required so as to conceal the storage area.

Utility Equipment Concealment

Screening must conceal all air-conditioning units, heat pumps, utility service meters, and trash containers so that they are not visible from the street. Fencing and or shrubbery may be used to provide the necessary screening. If construction in the equipment area precludes meeting the concealment requirement, the homeowner must apply to the ARB for an exemption.

Visual Clutter

Bikes, toys, grills, lawn and garden equipment, etc., should not be left over night in driveways or in the front and sides of homes. They must be stored out of sight when not in use.

Windows

The style of the windows that were originally designed for the house must be maintained. Their fixtures, such as mullions and stiles must be maintained on front and side windows. Any change to the window standards must be approved by the ARB.

Window Treatments

Window treatments, shutters and blinds should be of suitable color and material so as to present an attractive appearance from the exterior of the home.

Vehicle Parking

Parking standards are necessary within Settlers Mill to enhance vehicular and pedestrian safety as well as to maintain the appearance of our community. Safety is an utmost concern because of the narrow streets and lack of sidewalks in our community. Pedestrians, bicyclists and baby carriages must occupy the same street space as moving vehicles and trucks. For these reasons our parking standards incorporate extra precautions.

Definitions

A commercial vehicle is defined as any one of the following:

- (1) A vehicle, which displays advertising, lettered thereon except small window decals.
- (2) A vehicle with externally located or easily visible commercial equipment or materials. Commercial equipment shall include, but not be limited to ladders, compressors, generators, pumps, and building trade tools.
- (3) A stake body, box body, or other utility body mounted to a cab-chassis.
- (4) A vehicle with dual rear axles.
- (5) A public or private school bus or church bus.
- (6) A vehicle licensed "for hire."
- (7) A trailer or semi-trailer.
- (8) A farm implement or construction equipment.

Public vehicles assigned to officials who must respond to an emergency call will not be considered commercial vehicles.

A recreational vehicle is defined as any one of the following:

- (1) A boat or boat trailer.
- (2) A personal watercraft or personal watercraft trailer
- (3) A vehicle whose external configuration conforms to the generally accepted definition of a motor home.
- (4) A truck camper that is either wider or longer than the pickup truck bed on which it is loaded.
- (5) A truck cap that is wider or longer than the pickup truck bed on which it is mounted. Truck caps may also be known as tops, toppers, shells, slip-ons, and by various other names.
- (6) A mobile home, motor home, travel trailer, or fifth wheel-trailer regardless of interior configuration.
- (7) A fold-down camping trailer.
- (8) Any snowmobile, all-terrain vehicle, dune buggy, trail bike, go-kart or other self propelled vehicle not licensed for operation on a public street.
- (9) A motorized vehicle not legal for operation on the highways of Virginia.

A vehicle is defined inoperable if any of the following conditions exists:

- (1) A vehicle which is partially disassembled by removal of tires and/or wheels, engine or other essential parts required for operation or is otherwise not in operable condition. This will include vehicles placed on jacks or with flat tires.
- (2) A vehicle not bearing a current registration plate.
- (3) A vehicle not bearing a current county or city registration sticker if so required.

(4) A vehicle not bearing a current inspection sticker, if required by the state of registration.

(5) Vehicle components or automotive equipment or accessories not installed in an operable vehicle.

The Architectural Review Board will resolve special situations not covered by these definitions.

Parking Restrictions

At no time may residential lawns, yards, open space, general turf areas, and the area between the pavement and the lot line be used for parking, storage, or to support vehicles of any type. With the exception of garaged vehicles, overnight parking of commercial vehicles and vehicles that are inoperable is prohibited on the homeowner's property and in the streets of Settler's Mill. Recreational vehicles may be parked on the homeowner's property for temporary periods not to exceed 48 hours. Recreational vehicles may not be parked in the street. Private passenger and commercial vehicles must not be parked on any street in a manner that creates a hazard or impedes the normal flow of traffic.

Association Disclosure Packet

Virginia Code Sections 55-511 and 55-512 set forth disclosure requirements relevant to the sale and purchase of lots within property owners associations which are subject to the Act. Settlers Mill Association is a property owners association subject to the Act. The statutory provisions, set forth therein, bind all homeowners, prospective purchasers, real estate agents, settlement attorneys and the Association itself. The purpose of the disclosure packet is to ensure that the potential purchaser is put on notice of, and understands the ramifications of, purchasing property in Settlers Mill.

A Settlers Mill Association Disclosure Packet is available from the Settlers Mill Association. The current status of your assessment payments and any exterior alteration applications approved by the ARB will be in the lot file for your address. You should note that if a prospective purchaser of your lot requests a Disclosure Packet, you are legally obligated to request it in writing from the Association. All statutory provisions set forth in Section 55-512 of the Virginia Code shall pertain and apply, including the Association's right to charge you a fee for the preparation and issuance of a Disclosure Packet.

Amendments to the Architectural Standards

The ARB will conduct a yearly evaluation of the Architectural Standards to determine if additions or amendments are necessary. The additions or amendments, approved by the Board of Directors, become enforceable architectural standards for our community after notice and distribution to the membership.

Enforcement

Pursuant to Article XI, Section 11.3 of the Declaration, the Association shall have the right to enforce, by any proceeding at law or in equity, all architectural and maintenance standards set forth herein. Pursuant to the Association's Due Process Resolution, the Association shall also have the authority to assess rule violation charges, after notice and an opportunity for a hearing, for any violation of the standards set forth herein. All remedies available to the Association shall be deemed cumulative in nature, and selection of one remedy shall not operate to preclude any other remedies. In the event the Association shall have to resort to an action at law or suit in equity to enforce these standards, the Association as the prevailing party shall be entitled to its costs and reasonable attorneys' fees incurred in such enforcement.

Interpretation

The General Provisions set forth at Article XI of the Declaration with respect to Severability, Gender and Grammar and Headings shall be construed to apply to these standards as well.

Conflict

If any provision of these standards shall conflict with the Articles of Incorporation, the Articles shall govern. If any provision of these standards is in conflict with the Declaration, the Declaration shall govern.

Effective Date

The Settlers Mill Association Board has passed Regulatory Resolution No. 03-02, which approved and adopted the Architectural & Maintenance Standards for the Settlers Mill Association, and will cause said standards to be enforced after the effective date of November 15, 2003 as revised on April 15, 2004, January 15, 2005, October 3, 2007 and November 1, 2009.

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Settlers Mill Architectural Review Board
Addendum to Rules and Regulations
Approved August 13, 2009
(Please keep this with your copy of the Rules & Regulations)

Page 8
Fences

It is usually attractive and desirable to visually extend properties beyond the property lines. This should be kept in mind when considering fencing, which by its very nature, tends to physically define and separate areas and makes yards appear smaller. *Often, open fence designs (e.g. split rail, etc.) are more visually appealing than closed picket or pale fences.* There are alternatives to fencing that may achieve the desired objectives. For example, short segments of fencing may be combined with landscaping to achieve the desired screening. Planting schemes can be integrated with all fencing to soften the visual impact and should be considered.

The following are several conditions, which must be met when constructing a fence:

- (1) Chain link fencing is not allowed except to enclose the community swimming pools and tennis courts.
- (2) Perimeter property line fencing should not extend forward of the rear plane of the applicant's house. Side yard fencing may be considered when site conditions warrant.
- (3) Corner lot fencing should not extend closer to either street than the closest point of the house to the street. However, corner lot fencing may be allowed to extend into side yards when taking into account how the house is sited to the streets, or when the side yard does not act as a front yard for neighboring properties. If a hardship is created by not allowing the fence to be placed within a portion of the side yard the ARB may allow the fencing.
- (4) Relationship to adjacent houses and other factors on the side of the house will also be considered in determining fence location.
- (5) Property line fencing that is not along subdivision external property lines should be an open picket design. Fence pickets shall not exceed 48 inches above grade, and the pickets must be on the outward side of the rails.
- (6) Property line fencing that is along subdivision external property lines may be of a privacy type consistent to the height, design and material of that fencing the Settlers Mill Association owns along the external property lines.
- (7) Fencing may not extend into a conservation zone without authority to do so.
- (8) Gates should be compatible to fencing in design, material, height, and color.
- (9) Synthetic material, such as vinyl, may not be used.
- (10) Attached trellises are allowed only on approval of the ARB.
- (11) Fastening material shall be made of stainless steel, galvanized metal, or made with a rust protective coating.
- (12) All fencing must be compatible with the materials and colors in the applicant's house. Fencing may be stained, painted, or left to weather naturally.

Fencing must be properly maintained and kept in good condition. No alteration may be made to an existing fence prior to the approval of the ARB.

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Christmas *Holiday* Decorations

Christmas *Holiday* decorations must be removed from the exterior of houses by the first of February *no later than one month after the holiday*.

Page 16

Landscaping and Vegetable Gardens

Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines required for vehicular traffic or of natural beauty. Also, the view of neighboring houses and the shade patterns created by large trees must be considered in your landscape plans.

Artificial vegetation may not be used as a landscaping feature.

Vegetable gardens must be located to the rear of the lot. Gardens must be neatly maintained throughout the growing season; such maintenance includes removal of unused stakes, trellises, and dead growth.

Rocks in rock gardens or rocks on the property must remain their natural color.

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Solar Panels and Solar Water Heaters *Solar Collection Devices*

~~No solar panels or solar water heaters are allowed.~~ *Solar Collection Devices, when used, must be installed in such a manner as to blend as closely as possible into the surrounding architectural elements in relation to color, size, and location. The unit(s) must aesthetically not detract from the overall appearance of the community. Any device installed preferably will be on the rear roof of the structure. All proposed solar collection devices require ARB approval prior to installation.*

Roofing Materials (Not currently included in the ARB Standards)

The ARB is researching new roofing materials called "cool" roofing materials which are coming on the market. A policy covering these materials will be included in the Standards soon.

Settlers Mill Architectural Review Board
Addendum to Architectural & Maintenance Standards
Approved October 7, 2010

These changes replace only the noted sections of the Settlers Mill
Architectural and Maintenance Standards
(Please keep this with your copy of the Architectural & Maintenance
Standards)

Page 10

Outbuildings

An outbuilding has an aesthetic impact on neighbors. An inappropriately placed or poorly designed outbuilding can visually and functionally negate an otherwise desirable residential area. The size, location, construction, and use of an outbuilding are critical to its acceptance by the neighbors, the community, and by the ARB. The outbuilding must be designed to respect the "visual rights" of neighboring properties. Therefore, the ARB will be extraordinarily diligent in its review of applications for outbuildings.

Only one outbuilding of a maximum size of 150 square feet is allowed on a homeowner's property. The maximum allowable height measured at the peak of the building will be ten (10) feet. Requests for a taller outbuilding may be considered by the ARB if the applicant has approval letters from all adjoining property owners. Exceptions to the height restriction will be considered on a case by case basis.

The outbuilding may be used for storage or a hobby of interest. It may not be used as an office for a business or for living quarters of any kind. The home may be used for these purposes. The outbuilding may not be air-conditioned and it may not be heated by use of a heat pump. The outbuilding must be placed to the rear of the lot. However, it may not be located less than 15 feet from a side or rear lot line.

The outbuilding must be compatible with the home in terms of color and style of the shingles, windows and doors and siding color. The roof must overhang the walls by at least six (6) inches.

Page 7

Driveways (New Section)

Exposed aggregate concrete similar in color to existing driveways in the community must be used in all new driveway construction and driveway repairs.

APPENDIX A

Settlers Mill Association
APPLICATION to the ARCHITECTURAL REVIEW BOARD
(Submit 2 copies of the application and required material.)

HOMEOWNER _____	<input type="checkbox"/> Outbuilding
ADDRESS _____	<input type="checkbox"/> Addition
PHONE NUMBER(s) _____	<input type="checkbox"/> Deck / Porch
	<input type="checkbox"/> Color Change
CONTRACTOR _____	<input type="checkbox"/> Visual Screen
CONTRACTOR PHONE NO. _____	<input type="checkbox"/> Tree Removal
	<input type="checkbox"/> Fence <input type="checkbox"/> Other

Application Requirements:

Project -- Provide a description of the exterior change or modification requested. Include drawings, pictures, color swatches, catalog illustrations, and list of materials.

Site Plan -- Include copies of the site plan that was provided to you when you purchased your home. That plan should include the dimensions and measured locations of all improvements, including those covered in this application. Contour lines should be included when drainage is affected. Show measured distances between structures and lot lines, and the location of existing trees over six inches (6") in diameter.

Elevation Drawings - The front, sides, and rear sketches should be to scale. Include typical measurements for heights and widths. Include the slope of the roof, width of the roof overhangs, and the maximum height of the structure. Show the placement and sizes of doors, windows, screens, height above grade, and the positioning of exterior lights.

Construction Material - Give details on the type of construction, including the exterior siding, width of the corner and door edging, the roofing material, railings, and decking.

Color Scheme - Give the description of the colors for exterior components of the proposed structure.

Code Compliance - A County building permit must be properly displayed at all building and remodeling locations. All construction must comply with James City County Building Codes and must be County inspected, as required by the Code.

Size and Location of Construction -- If applicable, complete the 'Computation of Homeowner's Available Property Build-out' on page 2 of this application.

Additional Requirements, which may apply to construction, exterior alterations, and fencing, are found in the Settler's Mill Association Covenants and Restrictions and the ARB Architectural & Maintenance Standards. Lots, which have conservation easements, are subject to unique restrictions.

Project Start Date _____ Project End Date _____

Homeowner _____ Date _____

(Page 1 of 2)

Computation of Homeowner's Available Property Build-out,

(Measurements are in square feet.)

- (1) Applicant's Lot Size _____
- (2) .30 X (1) = _____ = Maximum property build-out allowed
- (3) Living Space _____ = Excluding below grade
- (4) Attached Garage _____
- (5) Detached Garage _____
- (6) Open Porch _____
- (7) Enclosed Screened Porch _____
- (8) Raised Decking _____
- (9) Existing Outbuilding(s) _____
- (10) All Other Structures _____
- (11) Add (3) through (10) = _____ = Current property build-out
- (12) **Applicant's available build-out** = (2) - (11) = _____

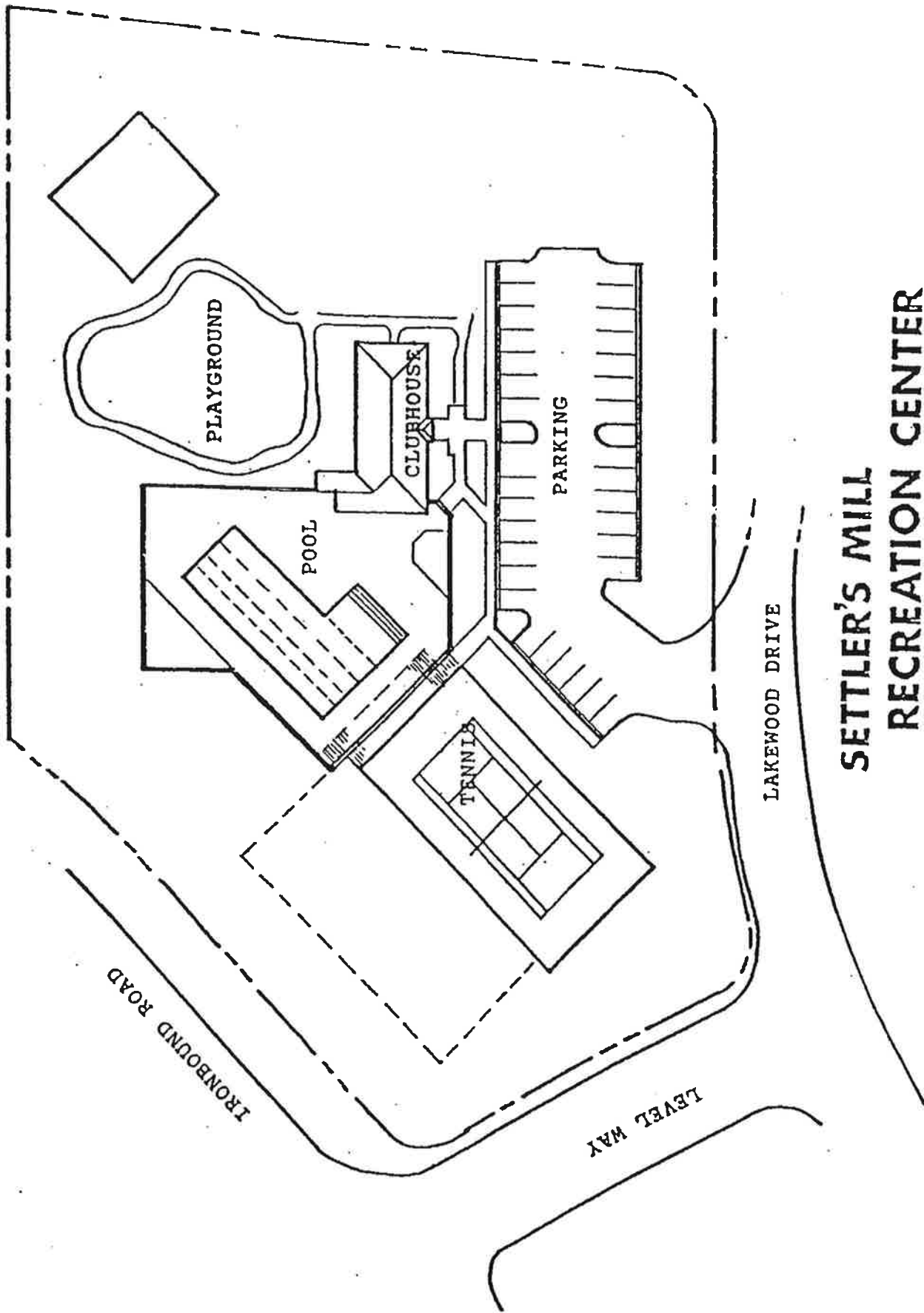
The Architectural Review Board (ARB) reserves its right to accept or reject this application. Any work begun without the ARB's approval will be subject to civil action being placed against the homeowner. Appeals of ARB decisions must be directed to the SMA Board of Directors.

APPROVED REQUIRES REVISIONS APPLICATION DENIED

Chairman, Architectural Review Board

Date _____

NOTES



**SETTLER'S MILL
RECREATION CENTER**

SETTLERS' MILL POOL RULES

The Settlers' Mill Pool and Clubhouse/Pavilion are for the exclusive use of members and their guests. Entry into the pool is authorized **ONLY** with a **pool wrist band for all residents over 10 years of age**. Bands are distributed in the neighborhood before pool season begins, or can be picked up at the Chesapeake Bay Management Office during business hours.

1. Children 10 years old or younger must be accompanied by an adult aged 16 or above years. Children who are 11 years old *and* rising sixth graders, as well as older children, may use the pool without parental supervision providing they demonstrate adequate swimming skills and common sense.
2. All children not toilet trained must wear tight fitting plastic rubber pants over diapers or a swim diaper. A changing table is located in the ladies' restroom for diaper changing.
3. No running, horseplay, rude or offensive behavior or language will be tolerated. The lifeguard has the discretion to ask anyone creating a disturbance to leave the pool. Repeated behavior of this nature will result in expulsion from the pool. If your child receives a disciplinary letter, the parent must sign it and return it to the Head Lifeguard.
4. No diving is allowed at any time. No backward jumping in to the pool or jumping onto any flotation device is allowed.
5. No playing or hanging on the safety ropes and ladders.
6. No glass objects are allowed in the pool area.
7. No pets, bicycles, skateboards, scooters, or roller blades are allowed in the pool or pavilion areas.
8. Water guns are not allowed in the pool. Toys, balls, floats and similar items will be permitted in the pool only at the lifeguard's discretion.
9. Trash and litter must be placed in the containers provided. Recycling bins are provided for aluminum cans and plastic bottles.
10. Alcoholic beverages are permitted for those of legal drinking age who are not swimming. Only unbreakable containers may be brought into the pool area.
11. Please use the showers before entering the pool.
12. Pool patrons are not allowed in the lifeguard office or on the lifeguard chairs at any time.
13. Children wearing floatation devices (floaties, water wings, etc.) and non-swimmers must have an adult with them in the water within arm's reach at all times.
14. In case of thunder and/or lightning, the lifeguard will clear the pool and pool deck. Swimming may resume after no lightning and/or thunder is heard for 30 minutes, in accordance with National Weather Service recommendations.
15. The purpose of these rules is to create an environment where all Settlers' Mill members and their guests can enjoy themselves in a safe and pleasant atmosphere. Your cooperation is earnestly solicited. Complaints concerning the operation of the pool should be directed first to the Head Lifeguard. If further discussion is warranted, please speak with the Pool Committee Chair.

PRIVATE PARTY REQUIREMENTS – adopted May 2013

1. Settler's Mill **pavilion** may be rented after normal operating hours or during regularly scheduled hours. Call the Management office, Chesapeake Bay Management, Inc., at 757-706-3019 during regular office hours (Monday through Friday 8:30am to 5:00 pm) to reserve a date and time. To check facility availability, the calendar is available on-line at www.settlersmill.org.

2. **Douglas Aquatics lifeguards are required for pool parties and must be hired through Settlers Mill Association.** The cost per hired lifeguard for the party is \$35.00 per lifeguard hour for a non-alcoholic event and \$45.00 per lifeguard hour for an event where alcohol will be permitted. A check covering the appropriate charge must be paid to **Settlers Mill Association** and submitted with the application for the event to reserve the lifeguards required for the party (in excess of those lifeguards already scheduled if the party is to be held during regular operating hours, or per lifeguard if the event is held after normal operating hours).

Example: If the party is held during normal operating hours when 1 lifeguard is scheduled and you have a total party of 20, you will be required to pay for a minimum of one (1) additional lifeguard. After normal operating hours, you would pay for two (2) lifeguards. A party of 15 and under held during normal operating hours that does not include alcohol does not require additional Lifeguards and contacting the management office/Settlers Mill Association is not necessary.

Number of People Attending - Number of Lifeguards Required	1 – 50	- 2
	51 – 75	- 3
	76 – 100	- 4

Douglas Aquatics requires one (1) adult chaperone per ten (10) children under the age of 18 attending the pool party.

All additional fees, if any, resulting from the private party function are the responsibility of the member holding the event. Settlers Mill Association will bill all additional costs incurred to the members assessment account. Payment **MUST** be received within 10 days.

The responsible party must sign a Settlers Mill Release of Liability and Douglas Aquatics Pool Party Application form before the date of the party. The completed forms and payment must be received by the management office with enough time to forward to Douglas Aquatics a minimum of ten (10) days prior the event. The Pool Party Application includes: time and date of the event, age group, number of patrons attending and whether alcohol will be permitted at the event. No parties or after hours events will be scheduled after **August 15th** unless pre-approved by Settlers Mill Association and Douglas Aquatics.

3. All parties must end no later than 11:00pm (pursuant to James City County Code Sec. 15-20(b) "Noises prohibited in residential-zoned areas").

4. All pool regulations will be in effect at pool parties. Member is responsible for printing and reading all pool rules.

5. If alcoholic beverages are part of the event, the member assumes all responsibility for the behavior of the guests and the illegal consumption of alcohol by minors.

6. Cooking or grilling is allowed only in the pavilion area. You must coordinate with Denise Butler in order to schedule and use the pavilion if having a pool party and serving food.

7. The member is responsible for clean-up of the area, including securing all garbage cans, removal of personal items and the replacement of Association furniture to its original location. Spilled food and drink must be removed immediately. The pool deck and/or pavilion floor will be swept or washed, as required to leave it clean.

8. Clubhouse bathrooms should be left clean and free of trash. Cleaning supplies are provided in the lifeguard office.

USE OF PROPERTY

7.1 Protective Covenants and Restrictions.

(a) General Restrictions. All Lots or Units within the Property shall be developed and maintained in accordance with the Plat. All Lots or Units within the Property shall be subject to the standards established by the Developer or its successor, the ARB, provided that such standards shall not be less restrictive than the Subdivision Ordinance of James City County, Virginia, as it may be amended from time to time. Such standards shall implement the purposes of the Plat and of Paragraph 5.2 and this Article; and interpret the covenants in this section, including but not limited to rules to regulate animals, antennas, storage and use or recreational vehicles, storage and use of machinery, use of outdoor drying lines, trash containers, planting, maintenance and removal of vegetation.

(b) Specific Restrictions.

(1) Residential Use. All property designated for residential use shall be used, improved and devoted exclusively to residential use. Nothing herein shall be deemed to prevent the Owner from leasing a dwelling to a single family, subject to all of the provisions of the Declaration. As used herein the term "single family" is defined to include not more than three persons unrelated by blood or lawful marriage.

(2) Noxious or Offensive Activity. No noxious or offensive activity shall be carried on in any Lot, dwelling, or in the Common Area, nor shall anything be done therein which may be or become an annoyance or nuisance to the other Owners or Occupants.

(3) Pets. Subject to such limitations as may from time to time be set up by the Developer or its successor, the ARB, generally recognized house or yard pets (maximum number of 2 per lot at any one time) may be kept and maintained at a dwelling provided such pets are not kept or maintained for commercial purposes. No pets may be kept on any Lot not improved with a Unit. All pets must be kept under the control of their owners and must not become a nuisance to other residents, and if any such pets are declared a nuisance by the Developer or the Association Board, they shall be removed from the property within thirty days after written request to do so.

(4) Signs. No signs of any type shall be displayed to public view on any Lot, structure or Common Area, except customary name, address and lawn signs as are approved by the Developer or its successor, the ARB. Customary signs offering the

property for sale or lease not exceeding six square feet in size will also be permitted.

- (5) Mailboxes and Newspaper Tubes. Only mailboxes and newspaper tubes meeting the design standards of the Developer or its successor, the ARB, shall be permitted, except for mail depositories which are the property of the U.S. Post Office Department.
- (6) Trash Receptacles. All trash receptacles and their concealment shall be subject to the standards developed and approved by the Developer or its successor, the ARB.
- (7) Boats, Trailers, etcetera. Overnight parking or storage of boats, trailers and all vehicles other than licensed, operable private passenger vehicles shall be prohibited unless they are garaged. Except for emergency repairs and maintenance performed in an enclosed garage, no Owner shall repair or restore or permit others to repair or restore any vehicle upon any portion of the property.
- (8) Antennae. Exterior television or other antennae, including but not limited to individual and group antennae and/or satellite dishes, except as approved by the Developer or its successor, the ARB, are prohibited.
- (9) Clothes Drying Equipment. Clothes lines or other exterior clothes drying apparatus, except as approved by the Developer or its successor, the ARB, are prohibited.
- (10) Trash Burning. Trash, leaves and other similar material shall not be burned without the written consent of the Developer or its successor, the ARB, and all appropriate governmental authorities.
- (11) Model House or Exhibits. No Owner except the Developer shall permit any structure on a Lot to be used as a model house or exhibit without the written consent of the Developer or its successor, the ARB.
- (12) Wells. Except as provided below, no well shall be dug or maintained on any Lot except by the Association or the Developer. If approved by James City County and the ARB, private wells for irrigation systems may be installed.
- (13) Restrictions on Further Subdivision. No Lot shall be further subdivided or separated into smaller lots by any Owner other than the Developer without the written consent of the Developer or its successor, the Association, and no portion less than all of any such Lot shall be conveyed or transferred by an Owner other than the Developer, provided however, that this shall not prohibit deeds of correction,

deeds to resolve boundary line disputes, and similar corrective instruments.

(14) Conduct. No immoral, improper, offensive or unlawful use shall be made of any Lot, dwelling or any part of the Common Area.

(15) Rules and Regulations. Reasonable rules and regulations concerning the use of the Common Area, and conduct of the Owners and Occupants, their families, guests, tenants, agents and invitees to the property may be made, amended or revoked from time to time by the Developer or its successor, the Association. Copies of rules and regulations and all amendments thereto shall be furnished by the Developer and/or the Association to all Owners and Occupants upon request.

(16) Improvement Completion. No Owners or Occupants nor the Association shall interfere in any way with the completion of the contemplated improvements and the sale of the Lots or Units by the Developer. The Developer may make such use of the unsold Lots or Units as may in its judgement facilitate such completion and sale to the extent otherwise set forth in this Declaration and as permitted by law. The Developer may display such signs as it deems necessary and appropriate in its sales efforts. The Developer shall have the right to lease any unsold Units upon any terms it desires, notwithstanding any other provision herein.

(17) Use of Common Area. Except for the right of ingress and egress, the Owner or Occupant shall use the Common Areas only as may be allowed by the Developer or its successor, the Association, or expressly provided for herein.

(18) Exception. The Developer or its successor, the Association, may issue temporary permits to except any prohibitions expressed or implied by this section, provided the Association acts in accordance with adopted guidelines and procedures and can show good cause.

(19) Animal Runs. Dog or other animal runs are prohibited.

(20) Leases Must Contain Covenant to Abide. If an Owner should lease any property in Settler's Mill, the lease must contain a covenant on the part of the lessees to abide by all provisions of this Declaration and its exhibits and any rules and regulations and any amendments thereto which may subsequently be promulgated by the Association.

(21) Private Swimming Pools. Private swimming pools will be permitted upon approval of plans and specifications by the Developer or its successor, the ARB.

(22) Trash Cans, Exterior HVAC Equipment, and Electrical Meters. Trash cans and exterior heat pump compressors, air conditioners, and other heating and air conditioning equipment shall be screened from public view in a manner acceptable to the Developer or its successor, the ARB, and shown on the plans. Electrical meters must be on side or rear walls, or screened with shrubs.

(23) Mowing and Property Maintenance. The Owners are responsible for maintaining their respective Lots in a clean and neat appearance prior to, during, and after construction, of any structure thereon, to include mowing of grass as needed or directed by the Developer or its successor, the ARB. Grass shall not be permitted to grow to a height exceeding six inches. The Developer or its successor, the ARB, is authorized at its discretion to enter onto any Lot to cause such work to be performed at the Owner's expense in order to bring such Lots into compliance, with notice, as provided herein. The cost of such mowing shall become a special assessment on the Lot payable immediately.

(24) Containing Trash During Construction A trash container shall be placed on the Lots during construction. All construction material shall be stored solely on the respective Lots. Any damage to road shoulders shall be repaired by the Owner or the builder. Trash and construction debris shall be removed as required or directed by the Developer or its successor, the ARB.

(24) Garbage, Trash, and Vegetable Waste. Owners shall arrange for the sanitary disposal of all household and yard wastes in accordance with local ordinances. Garbage or recycling bins may be set out the night before scheduled pick-up, and shall be removed promptly thereafter. Compost bins for yard waste may be used, provided they are maintained in a sanitary, odorless fashion.

7.2 Common Areas.

(a) The Common Areas applicable to the property shall be those designated as such on the Plat and on any recorded plat of subdivision of any additional areas as may be annexed thereto pursuant to the terms of Article IX herein.

b) All costs and expenses of regaining, maintaining, operating and improving the Common Area, including without limitation the cost of replacements, rental payments, trash pick-up, improvements, insurance and real estate taxes and all costs and expenses of administration of the Association, including without limitation salaries, supplies, and professional fees and expenses, shall be Common Expenses to be borne and assessed pursuant to Article IV.

(c) Nothing shall be done or kept in any Lot, dwelling or Common Area which will increase the rate of insurance on any Lot, dwelling or Common Area, without the prior written consent of the Developer or its successor, the Association. No Owner or Occupant shall permit anything to be done or kept in his dwelling or Lot or in the Common Area which will result in the cancellation of insurance on any Lot or any part of the Common Area, or which would be in violation of any law. No waste will be committed in the Common Area.

(d) There shall be no obstruction of the Common Area. Nothing shall be stored in the Common Area without the prior written consent of the Developer or its successor, the Association.

(e) Nothing shall be altered or constructed on or removed from the Common Area, except upon the written consent of the Developer or its successor, the Association.

(f) The Developer or its successor, the Association, is authorized to adopt rules for the use of the Common Area and furnish the same in writing to the Owners, and there shall be no violation of such rules as may be adopted.

7.3 Utility and Drainage Easements. From the date hereof until ten (10) years after the date of this Declaration, the Developer reserves unto itself, its successors and assigns, and may convey or grant to others, without the consent of any Owner, perpetual, alienable easements and rights of way:

(a) to construct, maintain, inspect, replace and repair electric and telephone wires, cables, conduits, sewers, pipes water mains, other suitable equipment and telephone electricity, television, cable, communications on, over and under the rear ten (10) feet of each Lot and Common Areas and such other areas as may be designated for such purposes on appropriate recorded plats of subdivision, and

(b) to provide for storm and surface water drainage, including the right to construct, maintain, inspect, replace and repair pipes, ditches, culverts and other suitable facilities for the disposition of storm and surface water drainage, in, over and under the rear ten (10) feet of each Lot and five (5) feet along both sides of each Lot, and Common Areas and such other areas as may be designated for such purposes on appropriate recorded plats of subdivision. The easements provided in this section 6.3(a) and (b) shall include the right of ingress and egress thereto, and the right to cut any trees, brush and shrubbery, make any grading of soil, and take other similar action reasonably necessary to provide economical and safe utility installation and drainage facilities. The rights herein reserved may be exercised by any licensee of the Developer or the Holder of any easement granted by the Developer, but shall not be deemed to impose any obligation upon the Developer or such holder to provide or maintain any utility or drainage services, and

(c) to provide for utilities, drainage or ingress or egress as the same may be needed to further the purpose of development of the real property shown on the Plat or any real property adjacent thereto.

7.4 Historical Artifacts. The Developer hereby retains ownership rights to any historical artifacts discovered on or in any portion of the Property. In the event such artifacts are discovered, before such artifacts shall be disturbed or removed, notice shall be given to the Developer, and the Owners and Occupants shall cooperate fully with the Developer to allow such artifacts to be removed.

ARTICLE VIII

CONSTRUCTION ON LOTS

8.1 Single Family Residence. No more than one detached, private dwelling unit with an attached or detached garage may be erected on any lot. Garages are required on all lots unless the Architectural Review Board, at its sole discretion, chooses to permit an exception.

8.2 Size Limits for Houses. The minimum living area for a one-story dwelling shall be 1,800 square feet. The minimum area for a two-story dwelling shall be 2,200 square feet. These minimum areas shall not include garages, decks, porches, or other un-conditioned space.

8.3 Approval of Plans for Houses. No house shall be constructed on any Lot without the approval of the Developer or its successor, the ARB. Owners must submit complete construction documents, including floor plans, elevations and details, site plan, and samples of actual exterior finish materials for review. See Article V above.

8.4 Tree Preservation. In order to preserve the wooded character of the property at Settlers Mill, and to abide by the intent of the landscaping ordinances in effect in James City County, each Owner shall meet the following requirements for his Lot:

(a) The site plan for Lot development presented to the ARB shall show all trees of 6" caliper or greater size. The ARB may require the preservation of any tree or trees which, in its sole discretion, it deems desirable. Trees not designated for removal on a site plan approved by the ARB shall be protected and kept in good condition, and shall not be removed.

(b) Areas disturbed while clearing a Lot must be graded and seeded as soon as possible.

(c) Logs from felled trees must be either removed from the site or immediately cut to firewood length and stacked behind the building footprint.

(d) In areas that are not cleared of trees, removal of underbrush and dead trees must be done without the use of heavy equipment. The use of vehicles such as trucks, tractors and bulldozers will damage the roots of existing trees and is therefore prohibited. No vehicles shall be parked inside the dripline of any trees to be preserved unless the area is part of a street or the future driveway of the Lot.

8.5 Landscaping Plans. Prior to construction of any Unit, Owners must submit a detailed schedule of the specific plantings proposed for any Lot, showing the minimum number and general type and sizes of planting materials to be installed and maintained on such Lot. These plantings

must be installed when the dwelling is built or at the beginning of the next planting season following completion of the Unit. All plantings shall be maintained in good, healthy condition. Unhealthy or dead plants shall be promptly replaced by the Owner.

8.6 Lot Mowing. Owners and Home Builders assume all responsibility for mowing and property maintenance on their respective Lots from the date of conveyance of the Lot, and should make arrangements accordingly for periodic care thereof. The Developer, at his sole discretion, may on occasion mow any Lot and take whatever other action deemed appropriate to care for any Lot and vacant lots within the subdivision, until such time as a dwelling is constructed thereon, and periodically bill Owners or Home Builders for reasonable expenses incurred therefrom.

8.7 Ancillary Structures. All ancillary structures, including but not limited to decks, screened porches, privacy walls, utility area screening, trash container screening, and storage outbuildings, shall be subject to the same requirements for prior approval by the Developer or its successor, the ARB. Plans for such structures must include a site plan, drawn to scale, showing the location of the proposed structure on the Lot.

8.8 Building Area and Setbacks. The house, garage, and deck on each Lot shall generally be placed entirely within the building area shown on the Plat. Front and rear set back and side yards shall be the minimum required by the James City County Zoning Ordinance. If a variance is obtained from the James City County Board of Zoning Appeals for any setback violation, it shall be deemed to be in compliance with this Declaration.

8.9 Builders. The Developer shall maintain a list of builders and contractors who are approved to build and construct dwellings within the Property. An Owner may choose to employ other builders or contractors only as approved by the Developer or its successor, the ARB.

8.10 Completion of Structures. All structures and landscaping on all Lots must be substantially completed in accordance with plans and specifications approved by the Developer or its successor, the ARB, within 12 months after construction of same shall have commenced. However, the Developer or its successor, the ARB, may grant extensions where such completion is made impossible due to matters beyond the control of the Owner or builder or contractor, such as strikes, casualty losses, national emergencies, or natural calamities. In the event any structure or landscaping is damaged or destroyed during or after construction, the Owner shall make every reasonable effort to rebuild the structure or landscaping to its original condition as rapidly as possible, or in any event, within twelve months of the date such damage occurs.

ARTICLE IX

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EASEMENTS

9.1 Adjoining Areas. Each Owner is hereby declared to have an easement and the same is hereby granted by the Developer over all adjoining Lots or Common Areas for the limited purpose of accommodating any encroachment due to engineering errors, errors in original construction, settlement or shifting of the building, or any other similar cause; provided, however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Occupant if said encroachment occurred due to the willful misconduct of said Owner or Occupant. In the event a structure on any Lot is partially or totally destroyed, and then repaired or rebuilt, the Owners of each Lot agree that similar encroachments over adjoining Lots shall be permitted and easements are hereby created for the maintenance of said encroachments so long as they shall exist.

9.2 Easements of the Developer and Association. There is hereby reserved to the Developer or its successor, the Association, such easements as are necessary to perform the duties and obligations of the Association as are herein set forth.

9.3 Pipes, Ducts, Cables, Wires, Conduits, Public Utility Lines and Other Common Elements Located Inside of Lots. The Developer and each Owner shall have an easement in common with the Owners of all other Lots to use all pipes, wires, ducts, cables, conduits, telephone and public utility lines and other common elements located on any of the other Lots.

9.4 Priority of Easements.

(a) Notwithstanding any provision to the contrary herein, of the grant, transfer or conveyance by the Developer of any right, title or interest in the Property (or the recording of the same) subsequent to the date of this Declaration, the easements and rights-of-way reserved to and/or granted by the Developer pursuant to Paragraph 6.3 hereof shall be superior to and shall have priority over any right, title or interest of any Member under this Declaration or any Supplemental Declaration or any right, title or interest of any Member under any subsequent transfer or conveyance of any Lot or any and all other encumbrances which may hereafter be applied against or in favor of the Property or any portion thereof.

(b) Each of the easements referred to in Paragraphs 8.1 through 8.3 shall be deemed to be established upon the recordation of this Declaration and shall henceforth be deemed to be covenants running with the land for the use and benefit of the Lots, Units and the Common Property, as the case may be, superior to all other encumbrances which may thereafter be applied against or in favor of the Property or any portion thereof.

ADDITIONAL AREAS

10.1 Additional Areas. Should the Developer desire the extension of the provisions of this Declaration to additional areas other than the Plat in the future, the Developer, its successors and assigns, hereby reserves the right at such time or times as it shall in its sole discretion determine, within eight (8) years of the date hereof and without the consent of any other Owner to bring within the scheme of this Declaration any such Additional Areas or portion(s) thereof. Developer is not hereby required to make any improvements within such Additional Areas.

10.2 Supplemental Declarations. The additions authorized under this Article shall be made by filing of record a supplemental declaration with respect to the Additional Areas (or portion(s) thereof) to be annexed (the "Additional Area Supplemental Declaration") which shall state the intent of the Developer to extend the scheme of the covenants and restrictions of the Declaration and this Supplemental Declaration (including such rules, regulations and policies as may have been adopted upon the authorization thereof) to such Additional Areas (or applicable portion thereof).

10.3 Complementary Additions and Modifications. The Additional Area Supplemental Declaration may contain such complementary additions and modifications as may be necessary to reflect the different character, if any, of the Additional Areas.

10.4 Annexation of Section 1 Lots. Each owner of a Lot in Settler's Mill Section 1, or any group of such Owners, may annex his or their Lots without the consent of any other Owner, the Developer or the Association within the Scheme of this Declaration. Such annexation shall be irrevocable and shall be accomplished by the recordation of an instrument approved in form by the Developer or the Association and providing:

- (a) The Owner agrees, on behalf of himself, his heirs, successors and assigns, to be bound by all terms of this Declaration.
- (b) The Lot or Lots which the Owner seeks to annex shall for all purposes be deemed a Lot within the meaning of this Declaration, and shall be subject to the lien for all assessments provided herein.
- (c) The Owner irrevocably appoints the Developer or the Association as his attorney in fact (coupled with an interest) for the purpose of voting or taking any other action necessary to terminate the Declaration of Covenants and Restrictions applicable to Section 1, and replacing them with this Declaration.

The Purchaser Fee shall be due for each Lot at the time of its annexation.

10.5 Assessments on Additional Areas. Any Additional Areas or applicable portion thereof that is the subject of an Additional Area Supplemental Declaration shall become subject to assessment, and the covenants for assessment set forth in this Declaration shall be deemed to include the Additional Areas, from and after the time such Additional Areas are thus added.

10.6 Binding Effect. From and after the time the Additional Area (or portions thereof) is annexed, this Declaration shall be deemed to include both the Plat and such Additional Areas (or portions thereof) as has been annexed as aforesaid. All assessments established pursuant to this Declaration with respect to the Plat or with respect to the Additional Areas or portions thereof that have been annexed as aforesaid shall be deemed to be binding upon and enure to the benefit of the entire property and all Lots and Units thereon.

UPLOADED
4/27/2021