

Garden Fence Submission

Name: _____

Address: _____

Lot #: _____ Phone number _____

Requirements: 5.05 Fencing and 5.05.2 Garden Fencing

Following information must be included:

- **Purpose letter** - Describing project, materials and color
- **Plot map**, including placement with measurements, and location.
- Replacement of existing garden fence? Y / N
- Limit one garden per lot.
- Garden will be located in back yard, side yard or front yard? (please circle one)
- Maximum size for front or side yard is 300sf. or 25% of area.
- Maximum size for back yard is 500sf. or 25% of back yard.
- Total square footage of proposed fenced garden area? _____, total Square Footage of area _____. (back yard, side yard, front yard)
- Distance to side property line _____, Minimum 12" .
- Distance to rear property line _____, Minimum 10 feet.
- Distance to front property line _____.
- Height of fencing? _____, (Maximum height 6')
- Post Material? _____, (T-Post, 4x4, lodge pole, etc.)
- Spacing of Posts _____, (6', 8', etc.)
- Will fencing be framed at top or bottom? Yes / No, Materials _____.
- Number of gates _____ and size _____
- Fencing materials? _____ (welded wire, Solid wood/Lattice, steel framed, etc)
- Color of Fence? _____, (black, brown or dark green, if wood, painted or natural)

_____ Right of Entry to review project location, and agree to allow EC and ECC to view site with prior notice (if necessary).

I/we have read and initialed the above and agree to abide by **ALL** requirements as stated.

_____ Date _____ Date _____

OFFICE USE ONLY --Variance required : Yes _____ No _____ Variance form completed? Yes _____ No _____
Meets setback requirements: Yes _____ No _____
Meets square footage requirements: Yes _____ No _____

Overview

The following items are required when submitting plans to the ECC. Failure to supply required information will delay the approval process. All plans must be submitted by the lot owner or have written authorization from the owner. **Please review and initial the Environmental Standards for detailed requirements for this specific project prior to submitting plans.**

5.05 Fencing (Environmental Standards)

In order to preserve the natural quality and aesthetic appearance within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b)), shall be permitted within any lot or along (or adjacent to) any lot line, except where in the opinion of the ECC, a fence or other enclosure: (a) is consistent with the external design and aesthetic features of other improvements on the lot, and (b) the fence will either benefit neighboring lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as pool enclosure). In reviewing fence improvement proposals the ECC shall consider the general policy of this declaration to keep property lines open and the possible adverse impacts resulting to neighboring lots.

All fencing must receive ECC approval. This includes vines, shrubs, and trees when they are placed close enough together that they form a visual barrier. When appropriate, natural vegetation is encouraged in place of other fencing materials.

- (a) Fence plans submitted to the ECC for approval must include a plot plan denoting the property dimensions. The plan shall indicate the footprint size of all structures and the position of the fencing in regards to those structures and property lines. The plans must also show the type of fence materials, length, height, and color. Fencing must meet the individual requirements for its type as listed below and in any case may not be closer than twelve (12) inches from any side property line, ten (10) feet from any front or rear property line, and fifteen (15) feet from any common area such as golf course, park, street, etc. Maximum height for any fence is six (6) feet unless County regulations specifically require a different height. All fencing is to have minimal visual impact and therefore must blend in with the surroundings. Chicken wire, and lattice (except as used for privacy screening) are not appropriate fencing materials. When lattice is used as privacy screening it must be framed with top and bottom rails. All fencing must be constructed and maintained in a workmanlike manner.
- (b) **All fencing is considered temporary** and removal may be required at the owner's expense upon change of use, sale of property, deterioration of appearance, or the need for easement access. New owners may re-apply to the ECC for continued use of temporary fence.

5.05.2 Garden Fencing

Garden fencing is typically used to protect plants from foraging animals such as deer.

- (a) The preferred methods of protecting plants are chemical "deer proofing" agents that are sprayed on the ground or on the plants, or automated "water pulse" systems that are activated by the animals presents. These methods do not require ECC approval and when used can protect the entire area without becoming a visual nuisance and need only be used during the growing season for the plants being protected.
- (b) Garden fencing must not only meet the requirements listed in the above section 5.05, but is also considered temporary and must be removed upon change of use, deterioration of condition or appearance, or upon sale of the property. New owners may re-apply to the ECC for continued use of a temporary fence. Members are limited to one (1) of the following garden fences per lot. When garden fencing is installed in the front of the house, it may not enclose more than the larger of three hundred (300) square feet or 25% of the front yard. When garden fencing is installed to the side of the house, it may not enclose more than the larger of three hundred (300) square feet or 25% of the side yard. When

garden fencing is installed in the back of the house, it may not enclose more than the larger of five hundred (500) square feet or 25% of the back yard.

_____ Please initial you have read and understand the above requirements.

CC&R's Article V Section 1b & Article VI Section 20

(b) Definition of "Improvement", The term "Improvement" as used herein includes, without limitation, the construction, installation, alteration or remodeling of any buildings, walls, decks, fences, swimming pools, landscape structures, solar heating equipment, spas, antennas, television satellite reception dishes, docks, piers, utility lines or any other structure of any kind. With the exception of any proposed Improvement projects involving garage modifications, in no event shall the term "improvement" be interpreted to include Improvement projects which are restricted to the interior of any building structure. Whenever reference is made in the Declaration or in the Environmental Standards to a "fence", the term shall mean and include any hedge, structure or partition of any kind erected for the purpose of enclosing a Lot or parcel, or to divide a Lot or parcel into distinct areas or enclosures, or to separate two contiguous Lots or parcels, regardless of whether the fence is comprised of wood, wire, iron, living plant materials or trees or other materials that are intended to prevent intrusion from without, straying from within or to create a visual barrier or screen.

Section 20. Fences, in order to preserve the natural quality and aesthetic appearance of the existing geographic areas within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b)) shall be permitted within an Lot or along (or adjacent to) any Lot line, except where, in the opinion of Environmental Control Committee, a fence or other enclosure (a) is consistent with the external design and aesthetic features of other improvements on the Lot and (b) the fence will either benefit neighboring Lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as a pool enclosure). In reviewing fence Improvement proposals the Environmental Control Committee shall consider the general policy of this Declaration to keep property lines open and the possible adverse impacts resulting to neighboring Lots.

_____ Please initial you have read and understand the above information.

CC&Rs Article V Architectural and Environmental Control:

Section 15. Limitation on Liability. Neither the Association, nor the Board or the Environmental Control Committee or any member thereof, shall be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of any mistakes in judgment, negligence or nonfeasance arising out of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications; (c) the development of any Lot within Lake of the Pines; or (d) the execution and filing of a Notice of Noncompliance pursuant to section 13, above, or a Compliance Certificate pursuant to section 14, above, whether or not the facts therein.