

CDCA Advisory Committee Recommendation

Agenda item: Fencing

Underlying need to address:

The restrictions say that the Committee has to approve fencing of a specific size, design, material, and color. The issue is that there are no guidelines, and those guidelines change with each passing Board / ACC. There have been questions about height restrictions, Chain link fences, privacy fences across the front of a property, even whether someone could paint flowers on their fence. None of these are spelled out, so it is left to the current ACC to decide, leading to inconsistent decisions. It is requested the Advisory Committee make recommendations around these decisions to use going forward as the guidelines.

There have been questions about Perimeter fencing around a property that does not have a home on it. Most current Board and ACC members see this as a reasonable request, but other infrastructure such as gates, driveways, Storage sheds would still need approval, and current requirements do not allow those without a house present. Can the restrictions be altered to allow a gate, on the property without a structure, reasonable?

Current statements:

Building & Constructions Restrictions (4) *No building or structure, except fences, shall be located on any parcel nearer to the front property line than 50 feet, or nearer to either side property line than 10 feet, or nearer to the back property line than 10 feet. The front side of the parcel is that side which abuts a street. Parcels that abut on two streets shall be deemed to front on the side abutting a street with the most frontage. Residential dwellings shall face the front side of the parcel.*

General Restrictions (9) *All fencing shall only be of such size, design, material and color as is specifically approved by the Committee. No barbed wire fence within 100 feet of any street or road dedicated to public use shall be permitted.*

General discussion and understandings:

The group discussed how the current wording sets the board up for failure. The only type of fencing defined as not approved is barbed wire fencing, and considering the amount of barbed wire you see around properties, even this restriction has not been strictly enforced. As such, enforcement is no longer reasonable based on this history.

The Committee recommends the following definition to remove ambiguity for enforcing these restrictions and recommend policy changes to be enacted to reflect these.

- Safety and Preservation of Neighborhood Aesthetics
- Type of Fencing, What is not allowed
- Restrictions on Construction Fencing
- Smaller Lot Restrictions on Height and Type
- Fencing and Empty Lots
- Maintenance and Repair

Safety and Preservation of Neighborhood Aesthetics

The fine line between property owner rights and the rights of their neighbors is why these recommendations are being made. Property owners want to feel secure and have privacy. The other side of that coin is your neighbors want to enjoy their property as well. They don't want to live across the street from a property that looks like a junkyard or military compound or have the fantastic view they bought their property for disappear because someone erects a 10' privacy fence. Both of these points of view need to be accommodated. The following recommendations strive to maintain the neighborhood's aesthetics and still grant property owners the most leeway on their fencing options.

From a safety perspective, all of these restrictions are superseded by the need to maintain safety for drivers in the community. Fencing that blocks vision at an intersection would not be allowed; either the fence should be set back or angled at the corner to provide a clear view of the road, or use a type/height of fencing that allows visibility.

Type of Fencing, What is Not Allowed

The Committee recommends documenting the following as fence building materials that are NOT allowed in any way.

- C-Wire/Razor Wire
- Metal Sheeting
- Tarps
- PVC Pipe
- Tires
- Debris
- Pallets
- Storage Containers

Other types of fences would be allowed, including barbed wire and electric fences. The Committee recommends that any person installing either of these types currently has this type of fence and adding warning signs indicating the risk.

The Committee anticipates that reclassifying barbed wire and electric fences as an allowed material will give each section that wishes to do so the ability to adopt new rules surrounding its use within their section, including plans for dealing with an existing fence that would be in violation.

Restrictions on Construction Fencing

Construction/safety fencing, defined as temporary plastic, chain link, or fabric fencing, would need to be removed within 90 days of exterior project completion.

Smaller Lot Restrictions on Height and Type

Small Lots, defined as those that are less than three-quarters of an acre, would have restrictions to the types of material and height of any fence across the front of the property.

- The maximum height of any fence for this sized lot would be 6 (six) feet.
- Privacy fence could not be used across the front of the property but is still allowed to come out from the side of the residence.

Fencing and Empty Lots

There have been statements about this kind of request that indicate that the restrictions state a homeowner with an empty lot cannot put a fence around that lot because there is no home on the site. There is no restriction based on this, and the present board and ACC do not see where the issue would be with that request. As such, this Committee recommends that a property owner be allowed to put in perimeter or cross fencing and a main gate to allow entry into the property regardless of a home being on the property. This is contingent on the homeowner following the other fence guidelines mentioned in this document and attaining approvals from the ACC.

Maintenance and Repair

Property owners are expected to maintain and repair their fencing, replace sections, or even remove fencing altogether. The homeowners do NOT need to gain ACC approval for this type of work as the original fence footprint was already approved. Provided they stay within the recommended restrictions above as to material types and heights, they should be free to make repairs or replacements as they wish.

For example, someone with a cattle wire fence who wants to replace it with a privacy fence on the same footprint would not need ACC approval. If they're going to extend the footprint, then ACC approval would be necessary a usual.

A maintenance violation can be filed if a roadside fence is deteriorating to the point of becoming a hazard; the ACC can issue this violation for the fences repair or removal. Likewise, a neighbor can file a violation under the same maintenance restriction if a fence between neighbors falls or is falling into the non-fence owner's property.

This is not meant for the ACC or neighbors to file violations because they don't like that the fence has vines, is the wrong color, or has not been stained and is turning grey. This is only for hazards and property line violations.