

Estates of Clear Creek Fencing Guidelines **Prepared by the Architectural Control Committee**

Effective September 1, 2008

The following is the *generally* acceptable fencing guidelines for all fencing within the Estates of Clear Creek Subdivision. Inclusion of these guidelines does not imply automatic approval of a fence application, or that a property owner can erect a fence with written approval. All property owners must submit an application and the appropriate review fee for all fencing.

All fences must comply with all federal, state, county, or local regulation, laws and EOCC Deed Restrictions. Federal, State, County and location regulations shall always supersede these guidelines if there are any conflicts. It is the property owner's responsibility to know what the Federal, State, County, and local regulations and EOCC Deed Restrictions are as they pertain to fencing.

Fencing Approval Process:

1. All property owners must submit a fencing application with the appropriate review fee, a copy of the property survey plotting the EXACT location of all fencing on the property. The distance from ALL easements must be noted on copy. Applications submitted without this information will automatically be rejected.
2. The application must be specific in regard to location, materials, style, color, and height/size information, including gates. All fencing materials must be new or in excellent condition.
3. The fencing application will be reviewed by the Architectural Control Committee, and the approval or rejection will be mailed to the property owner within 30 days.
4. Construction of the fence cannot start until the approval form is received by the property owner. All fencing projects must be completed within 90 days of start date.
5. If the ACC denies an application, the property owner has the right to appeal the decision by meeting with the ACC members to present their position and rationale.
6. After the completion of the fencing, the property owner is responsible for the upkeep of the approved fencing, which includes repairs, painting, cleaning, etc. The deed restrictions of the Estates of Clear Creek require that all fencing be well maintained.

Generally Accepted Fencing Materials:

Material: Wrought Iron, Vinyl, Cedar or Split wood, rail or board, picket

Height: Iron: 3-6 feet tall. Wood or Vinyl: 3-5 feet tall.

Color: Black, Dark Green, Natural or Clear, White, Ivory, Tan. Color should compliment The color of the house and surrounding areas in the subdivision.

Construction: Iron: Vertical Bars Wood: 3-4 rails

Gates: In general, gates should be in the same style, material, and color as the fence. Wrought iron gates attached to a different style fence may be acceptable if the same or complimentary color as to fence. Tubular and farm gates are only acceptable when used as part of horse pasture fencing and are not acceptable as entrance gates to property.

Stone or Brick:

Stone or brick columns may be acceptable if they are deemed to compliment the fencing material and house.

Wire:

Wire fencing or mesh may only be used on the property owner side of cedar split wood or wood rail fencing. It must be field wire, typically used with this type of fence. (no chain link).

FENCING NOT ACCEPTABLE UNDER ANY CIRCUMSTANCES:

Barbed wire, pipe fencing, privacy fencing (special permission may be granted for swimming pools), mesh, electrified fencing, or chain link (unless approved for a dog run).

Permanent Dog Run Fencing: Everyone should be aware of the deed restrictions and liability pertaining to dogs and containment requirements in the Estates of Clear Creek. NO loose dogs are permitted. The maximum size allowed for a dog run will be 500 square feet. Chain link fencing will be allowed only for this purpose, and absolutely cannot be visible from any street, drainage easement or common area. Additionally, it must not be a nuisance to neighboring properties – if they don't want to see a chain link fence, then it is NOT allowed and must comply with the regular fencing guidelines.

Swimming Pool Fencing:

Fencing around swimming pools must comply with all Federal, State, County and local regulations and laws. The fences must also adhere to the acceptable fencing guidelines of EOCC. It is the property owners responsibility to know what the Federal, State, County and local laws are as they pertain to swimming pool fencing. It is highly recommended that all pools have fencing. Vertical style with maximum 3" space between rails, 4-6 feet high. All gates must be locked.

Temporary Fencing:

Due to the country nature and setting of the Estates of Clear Creek, there can be some needs for temporary fencing. **All temporary fencing must be approved by the ACC committee. Temporary fencing must not be visible from the street or common areas. An application must be submitted with the appropriate review fee for temporary fencing. Temporary fences are NOT permanent and require the date of removal on the application.**

Types of fencing that would fall under this category are:

FFA / 4H Fencing, Garden Fencing, Temporary Dog Run Fencing.

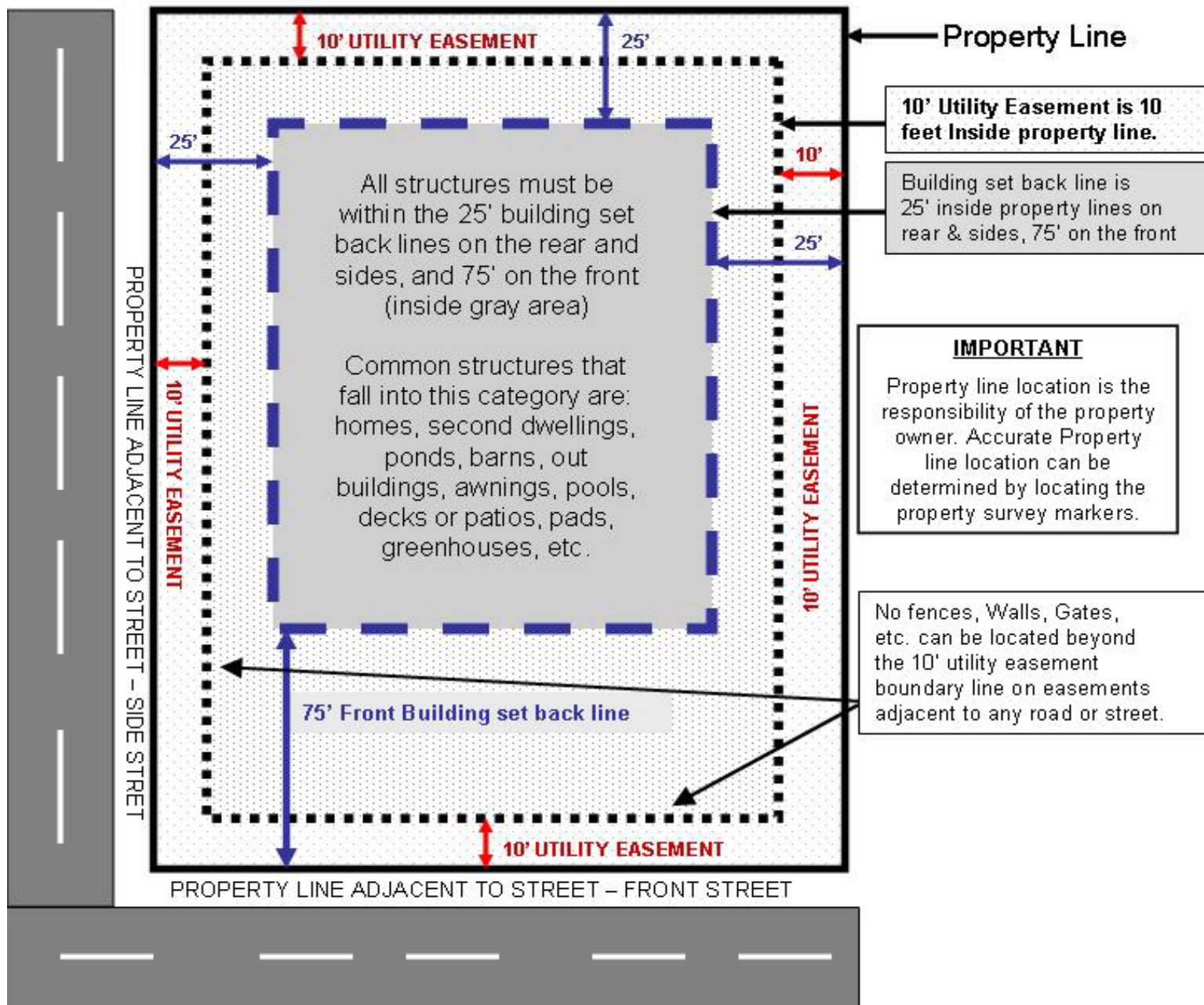
As housing locations change or if the temporary fencing becomes a nuisance to EOCC residents, the property owner must be prepared to remove or relocate the fence as directed by the ACC committee, Board of Directors, or management company, at the owners expense.

Property owners need to consider the following with any type of temporary fencing:

- Must follow ECC acceptable fencing guidelines
- Should not be visible from streets or common areas
- Be considerate of location in relationship to your neighbors, (sight, sound, odor)

FFA /4H Fencing: The number of animals, type of animals, and fencing materials must be disclosed on the fencing application for this request, and must comply with all deed restrictions in relationship to fencing, livestock, etc.

Estates of Clear Creek Easement Information



No building, fence, gate or other structure may be located anywhere within the 10' utility easements that are adjacent to any road or street. Article III, Section 3.08... "Walls and fences, if any, must be approved prior to Construction by the Architectural Control Committee and shall not be closer to the front street property lines than The utility easement boundary line across the front said lot and no closer than the utility boundary line along any side Street. The erection of any wall, fence, or other improvements on any easement is prohibited....." and **Article III, Section 3.15...** "Natural established drainage patterns of streets, lots, or roadway ditches will Not be impaired by any person or persons"

The Estates of Clear Creek ACC strongly recommends that all fences and gates be located at least 15' inside Property lines that are adjacent to any road or street. Cement or asphalt driveways that are installed over the utility easements are done so at the owners own risk.