

TABB LAKES HOMES ASSOCIATION

POLICY RESOLUTION 2021-11-16

Fence Construction Requirements

Authority

WHEREAS Article VIII Section 6 of the Tabb Lakes Homes Association's Original Declaration of Covenants, Conditions and Restrictions (January 10, 1985) gives the Association the authority to adopt and promulgate reasonable rules and regulations regarding the administration, interpretation and enforcement of the provisions of the Declaration.

WHEREAS the same Article VIII Section 6 of the Tabb Lakes Homes Association's Original Declaration of Covenants, Conditions and Restrictions (January 10, 1985) specifies that in adopting such rules and regulations, the Association shall take into consideration the best interests of the Owners of the Lots to the end that the Property shall be preserved and maintained as a high-quality community.

Purpose

WHEREAS there is a need to clarify the definition of 'fencing,' specifically clarification of the location, type, materials, and height allowed and the need for different fencing solutions on lakefront and non-lakefront lots in the community. In addition, there is a need to clarify what types of structures are considered to be fencing and what are not.

The current Governing Documents include the following rules and restrictions:

- *TLHA Original Declaration of Covenants, Conditions and Restrictions (January 10, 1985)*

Article VI: Prohibited Use Restrictions

Section 13: Yard enclosures. No fence shall be erected, placed or permitted to remain on any lot nearer to any street than the front of the residential structure built thereon.

- *TLHA Policy Resolution 2012-04-17: Fence Construction Requirements*

Lakefront Properties: *Back yard fences shall have a minimum fifteen (15) feet setback from the lake (maintenance access easement: this first fifteen feet from the lake shall have no fencing).*

Scope & Intent

WHEREAS it is the intent that these rules shall be applicable to all homeowners, and this resolution shall remain in effect until otherwise rescinded, modified, or amended by the majority of the Board. This resolution clarifies the Original Covenant Restriction and replaces the 2012 Policy Resolution in its entirety. While minor formatting and grammatical changes have been made to the 2012 resolution, the only substantive change pertains to the rule stated above.

WHEREAS this rule's intent is to ensure that fences in Tabb Lakes are of a type, height and are constructed of materials that are in keeping with the scale and architectural style of the community. In addition, the rule is designed to recognize that different privacy fencing solutions are appropriate in the several different types of lots in the community, including lake-front, non-lakefront and community perimeter lots. The rule is intended to prevent the construction of fencing that negatively impacts neighbors, the appearance of the community and may reduce surrounding property values.

Specifications

NOW THEREFORE BE IT RESOLVED that the Board adopts the following Rules for the construction of fences:

1. Location:

- a. Fences may be constructed in back and side yards only. Fences may not be constructed in front yards.
- b. Fences must come no closer to the street than the front face of the main residence.
- c. Corner lot side fences may come no closer than fifteen (15) feet from the edge of the street.
- d. On lakefront properties, back yard fences shall come no closer to the shoreline than six (6) feet. The first fifteen (15) feet from the lake is an access and maintenance easement for the HOA. Homeowners agree that if the removal of such fence is necessitated for access by the HOA, or any contractor hired by the HOA, it will be the owner's responsibility and at the owner's expense.

2. **Definition Clarification:** Although fences are not permitted in front yards, the Architectural Review Committee has discretion to approve construction of limited features that define front yard property lines. Such constructions include but are not limited to maximum four-foot high, single post, split rail fencing used as corner definition features.

3. **Design & Materials:** Fences shall only be constructed of wood or other material approved by the Architectural Review Committee (ARC). The fence must comply with the look of the home and neighborhood. Chain link or metal posts with wire fences are not allowed. Wooden split rail wooden fences with wire mesh may be permitted in locations where the fence design is approved to be consistent with the immediate neighborhood by the Architectural Review Committee.

4. Height Restrictions:

- a. Non-Lakefront Properties: Fences shall be a maximum six (6) feet high in the back yard, side yards and fronting on to street. A maximum of eight (8) feet high may be approved for a property on the edge of the community where the fence would coincide with the Tabb Lakes subdivision perimeter property line.
- b. Lakefront Properties: Fences shall be a maximum of four (4) feet high along the lake and on the sides of the property up to a distance of sixty-five (65) feet from the

lake. The remainder of the fence may be a maximum of six (6) feet high on the sides of the property and fronting on to the street. Proposed fence projects may be granted minor exemptions if approved by the Board but must maintain the neighbors' unobstructed view of the lake, which is the purpose of this rule.

These rules apply to all fences constructed after April 17, 2012. Existing fences that violate the new rules must be brought into compliance with these rules at such a time as the owner wishes to modify or repair the fence or to sell the home.

RESOLUTION 2021-11-16 APPROVAL

Rules for the Construction of Fences

This resolution replaces Resolution 2012-04-17 of the same name. The Tabb Lakes Homes Association Board of Directors approved this Resolution 2021-11-16 on November 16, 2021.

The voting went as follows:

<u>Title</u>	<u>Name</u>	<u>Approved</u>	<u>Disapproved</u>	<u>Abstained</u>
President	Keith Ebert	X		
Vice President	Ellis Sharadin	X		
Member	Samuel Ray			Absent
Member	Jennifer Kurr	X		
Member	Robert Cook	X		



Keith Ebert, President TLHA

NOVEMBER 17, 2021
Date