

FENCING

I would like to review the "Fencing Code". The "Fencing Code" has changed over the last 2 and a half years. There was not a deliberate decision to change the code, rather it came out of necessity. The ACC was comprised of members in a permanent position until 2015. Starting in the Fall of 2015 each member has been elected to a one year term.

The "Fencing Code" used by the ACC prior to 2015 was not passed on to the New ACC. The elected ACC's have been comprised of members that had no or limited dealings or in depth knowledge of the Fencing Code prior to 2015. The Fencing Code that is now in use was developed by the ACC in 2015 and 2016 as fencing requests were submitted.

So how did we go about coming up with the "Fencing Code" . I have been on the ACC 2 of the 3 years. We started by looking at what the CC&R's say.

Two sets of CCRs are used in evaluating a request, set 2 and 3. The majority of the requirements are the same however set 2 has additional language for lots with 10 or more acres.

2.15 FENCING

No fence, wall or hedge shall be erected, placed or altered on any Lot within 200 feet of any street without prior approval of the Architectural Committee and, said fencing if installed must comply with the specifications and details as set forth in the Fencing Code Requirements approved by the Architectural Committee. Notwithstanding the preceding sentence, no chained linked fencing shall be allowed on the Property except an enclosure approved by the Architectural Committee for a domestic pet, which may not be visible from any road in the Subdivision.

CCR Set 2 adds one additional sentence. Provided however, the Owner of a Lot containing more than 10 acres may erect a fence within 200 feet of any street with the prior written approval of the Architectural Committee.

3.03 Approval by the Architectural Committee

The Architectural Committee shall have the express authority to perform fact finding functions hereunder and shall have the power to construe and interpret any covenants herein that may be construed or interpreted as vague, indefinite, uncertain, and capable of more than one interpretation.

3.06 Adoption of Rules

The Architectural Committee may adopt such procedural and substantive rules, not in conflict with the Declaration, as it may deem necessary or proper for the performance of its duties, including but not

limited to, a building code, a fire code, a housing code, a fencing code and other similar codes as it may deem necessary and desirable to supplement Kendall County Codes.

Fencing requests are difficult issues for the ACC, due to the lack of requirements in the CC&Rs. It is full of gray area. As I just read, 200 feet is a significant distance, but not a line that can not be crossed. In 2015 several Lots had fencing within 200 feet from the road. As fencing request came in starting in 2015 each ACC evaluated them using what the CC&R's allow and what already exist in the community.

The Current "Fencing Code" was voted on and approved by the ACC in a meeting after the Sept 2017 election of members.

Fencing Code currently being used by the ACC.

Fencing requests will be evaluated on an individual basis. The lot's characteristics and location of the house are to be considered when evaluating a request.

If a home is built within 200 feet of the street the fence must start at or behind the house.

For homes built closer to the back of the lot the fence may be in front of the home.

Nothing is allowed within 60 feet of any road.

For a fence between 60 and 200 ft from the road, we have looked for materials fitting the community and at a minimum materials above a standard ranch fence.

Once the fence is beyond 200 feet from the road any material would be accepted.

The fence itself is usually the 4 by 4 wire mesh.

Are there any questions of fencing?