

PROPOSED CCR: SECTION 9. FENCES, WALLS, SCREENS and PERMANENT DEER-CONTROLLING FENCES

- 9.1. It is the goal of the Declarant to keep all fencing or screening as harmonious as possible with the architectural character of Winslow Farm.
- 9.1.1. Accordingly, no fence, screen or wall may be installed by an Owner anywhere on the Real Estate without first receiving prior written approval of the Community Association.**
- 9.1.1.1. The Owner will submit a site plan to the Community Association for approval showing the location of the fence, wall, or screen; the building materials; the color, maintenance plan; and the name of the person or firm doing the installation.
- 9.1.1.2. No fence or screen will be approved if its installation will obstruct necessary sight lines for vehicular traffic.
- 9.1.1.3. Undue obstruction of the view or other amenities from adjoining properties will be taken into consideration by the Community Association when reviewing fences for approval.
- 9.1.1.4. Four-foot (4') to six-foot (6') fences shall not be installed nearer to the front of a structure than the rear foundation line of the structure.
- 9.1.1.5. Decorative fences under three feet (3') in height may enclose the front of the property only if they do not cause unreasonable visual barriers, are constructed of approved materials, and maintained.
- 9.1.2. The Declarant discourages fencing of the entire back yard due to the effect that this fencing may have on the feeling of spaciousness desired by other Owners.
- 9.1.3. Fences may be privately installed but must be constructed to professional levels of quality. Non-professionally installed fences will be inspected by the Community Association after completion in order to ensure that the final product is of professional quality. Final approval of the fence shall be deemed withheld until successful completion of this final review.
- 9.1.4. Under no circumstances will temporary fencing utilizing unsightly products and/or installation techniques be approved.
- 9.1.5. Any fence, screen or wall installed without prior written approval from the Community Association may be required to be removed at the Owner's expense.**
- 9.1.6. **Specifications:** The Declarant is of the opinion that the environmental integrity of Winslow Farm will be materially lessened if the open nature of the community is damaged by a proliferation of fences of excessive height.
- 9.1.6.1. The specific fence **height restrictions** are as follows:
- 9.1.6.1.1. The Community Association encourages limiting fences to four (4') feet in height.
- 9.1.6.1.2. Fences exceeding six feet (6') above grade will not be approved.
- 9.1.6.2. **Materials and Finish.** All fences regardless of product or design must be installed and maintained to enhance the appearance of the community.
- 9.1.6.2.1. Wood fencing or products simulating wood will be allowed if the design is in conformity with the architectural design of Winslow Farm.
- 9.1.6.2.2. Plain solid fences utilizing wood or simulated wood products which are designed without spacing between the boards and/or void of finishing details will not be deemed to be in conformity with the architectural design of Winslow Farm. (Sample photos are provided.)
- 9.1.6.2.3. The installation of a chain link fence will not be permitted unless it is vinyl coated.
- 9.1.6.2.4. Chain link or other ornamental metal fencing will be approved in black or dark green; all other colors must be approved prior to construction.
- 9.1.6.2.5. All fencing or screening should preferably have finished material on both sides. If only one (1) side has finished materials, that side must face the public side of adjoining property.
- 9.2. Patio screens/privacy fences no higher than six feet (6') in height shall be constructed around small patio areas of a backyard or to enclose a pool area.
- 9.3. Walls above grade should be constructed of natural stone, masonry, or attractive timber.

- 9.4. **PERMANENT DEER-CONTROLLING FENCING:** In accordance with the following specifications, homeowners may submit to the Community Association a request for approval to install permanent fencing explicitly designed to prevent deer from destroying a planted area designated specifically for gardening or landscaping purposes:
- 9.4.1. Prior to Board approval, the homeowner will submit to the Community Association a diagram of the property designating the location of the vegetation to be protected, the area to be enclosed, the height of the proposed fence, the product to be used along with a photo or drawing of the design of the proposed fence, the color, maintenance plan and the identification as to who will be installing the fence.
- 9.4.2. **Height Specifications:** The Community Association recognizes that the Indiana Department of Natural Resources (DNR) states to prevent deer from invading an area a fence of eight feet (8') in height is required. Therefore, the deviation to permit eight-foot (8') fences will be limited as follows:
- 9.4.2.1. No fence or screen will be approved if its installation will obstruct necessary sight lines for vehicular traffic.
- 9.4.2.2. Undue obstruction of the view or other amenities from adjoining properties will be taken into consideration by the Community Association when reviewing fences for approval.
- 9.4.2.3. Fences exceeding eight (8) feet above grade will not be approved.
- 9.4.3. **Materials and Finish.** All fences regardless of product or design must be installed and maintained to enhance the appearance of the community.
- 9.4.3.1. Fencing must be composed of wood, vinyl, composite, ornamental metal, or black or green vinyl coated chain link.
- 9.4.3.2. Plastic or metal netting or temporary metal stakes are not permitted for permanent fencing.
- 9.4.3.3. To promote a visually open neighborhood the design of the fence must employ open spaces. A "crossbar" example is provided as one option, but other designs will be considered if they provide a visually pleasing open design.
- 9.4.3.4. Plain solid fences utilizing wood or simulated wood products which are designed without spacing between the boards and/or void of finishing details will not be deemed to be in conformity with the architectural design of Winslow Farm.
- 9.4.4. **Location.** All permanent deer-controlling fences must be limited to the protection of a specific planted area.
- 9.4.4.1. The area to be enclosed cannot exceed approximately a third of the total lawn area and is limited to gardens and landscaped flowerbeds.
- 9.4.4.2. The fence must not be placed further than approximately twelve inches (12") from the planted area. The measurement may include the width of large shrubs, bushes, small trees.
- 9.4.4.3. When a landscaped area abuts a perimeter fence, a limited portion of the perimeter fence may be replaced with a deer controlling fence, However, the entire perimeter property fence may not be replaced with an eight-foot deer controlling fence.
- 9.4.4.4. Permanent deer- controlling fences are generally not to be nearer to the front of a structure than the rear foundation line of the structure but may enclose ornamental vegetation along the side of a home adhering to the restrictions stated above. Such permanent fences may not extend to the front of any home.
- 9.4.5. The following will NOT be approved:
- 9.4.5.1. Electric fences
- 9.4.5.2. Sound emitting devices designed to sense deer and scare them away.
- 9.4.5.3. Solid fencing that prevents viewing across the property.

