



Report to Homestead Farm Homeowners
Re: Revised Guidelines

October 2019

Introduction

At the November 2018 HOA meeting, several Owners raised concern over the proliferation of privacy fences (“**Solid Style**”) in the neighborhood as not being in the spirit of, and accordance with, the original open architectural design philosophy of Homestead Farm. Solid Style fences have recently been erected up to the sidewalk boundary, along neighborhood streets, and in-between homes at the front elevation of the home causing complaints that such fences were creating a compound-like appearance that is in opposition to the traditional the split rail fences fence design (“**Open Style**”). As stated in the Residential Improvement Guidelines for the Homestead Farm Homeowners Association (“**Guidelines**”), Open Style fences are preferred.

Additionally, in 2019 the Board representative to the Design Review Committee (“**DRC**”) requested an examination of the fence related Guidelines to assist the DRC in its evaluation of privacy fence requests. Due to the partial adoption of the 2016 Working Group’s recommendations, the Guidelines did not provide clear direction for the DRC to evaluate Non-Perimeter fence requests and more specifically where and when Solid Style fences are allowed.

In June 2019 the Board heard input from Owner’s regarding the Open Style Fences. Following the Board’s decision that the Open Style fence is a critical architectural design element of Homestead Farm, a review of the perimeter and non-perimeter fence Guidelines occurred. The Board reviewed, discussed and voted to revise several of the Perimeter and Non-Perimeter Fence Guidelines to provide clarity to the DRC and Owner’s.

The Report will detail the Guideline changes regarding Perimeter and Non-Perimeter Fences. Additional revisions were also made to the Guidelines for clarity and consistency.

A full listing of the revisions can be found by reviewing the 2019 Redline version of the Guidelines found at <https://homesteadfarm.org/neighborhood-covenants/>.

Perimeter Fence

A. Background

Prior to 2002, the perimeter fencing around Homestead Farm was limited to a height of four feet. In 2002, the Board revised the Guidelines allowing for the erection of six-foot solid perimeter fencing. The definition of a perimeter fence included the properties along the south side of the East Fremont Avenue entrance to the neighborhood ("**Fremont Entrance**"). The reason these properties were included in the Perimeter Fence definition was because these properties had, at the time, the original four-foot Sanford perimeter fence style.

Of the lots along Northside of the Fremont Entrance ("**Northside Properties**"), only one property still has the original four-foot perimeter fence, that is, 7164 South Hudson Circle. The six-foot Perimeter Fence extends into the Fremont Entrance as the perimeter line curves from being parallel to Holly Street to running parallel to East Fremont Avenue. The Northside Properties are set back and elevated from the East Fremont Avenue street level. The Northside Properties with the six-foot solid Perimeter Fences ("**Solid Perimeter Fence**") roughly parallel the lots along the Southside with Solid Perimeter Fences.

On the Southside of the Fremont Entrance, four properties still have the original four-foot perimeter fence, that is, 7230, 7220, 7210, and 7200 South Hudson Way ("**Southside Properties**"). If the Southside Properties' fences need to be replaced, the current Guidelines require a Solid Perimeter Fence. The concern is that there would be a six-foot solid fence all the way up the Southside of the Fremont Entrance while the properties along the Northside of the Fremont Entrance are generally required to have an open split cedar rail fence ("**Open Style**").

B. Findings

The Open Style design is consistent with both the split-rail style generally required for the Northside Properties along the Fremont Entrance and the overall critical architectural design elements of Homestead Farm. Therefore, the Southside Properties are required to replace existing Sanford Solid Design fence with Open Style fence at the time of repair or replacement. Furthermore, based on the Open Style preference and to provide clear guidance to the DRC when reviewing Perimeter Fence requests, the Board approved changes to Section 4.20 of the Guidelines to accomplish the following:

- Remove the four Southside Properties from definition of a Perimeter Fence so that the requirement for six-foot Perimeter Fence does not apply.
- Amend Section 4.20.b to require the Southside Properties, at the time of replacement, to replace the existing original four-foot solid fence with an Open Style fence.

C. Revisions

Below is the revised Guideline 4.20 for Perimeter Fences.

4.20 Fences – Perimeter.

a. Definition of Perimeter Fence

Perimeter Fence is defined as a fence in the Perimeter Fence Style, as defined below, along the Perimeter of the Homestead Farm neighborhood. The “Perimeter” where Perimeter Fences are required, is defined as follows and as shown in **Figure D of Attachment 6**:

1. all Lots that back up to Dry Creek Road, South Holly Street, and East Easter Avenue;
2. all Lots that back up to the South Baptist Church property;
3. the first three northside Lots that back up to E. Fremont Avenue, specifically 7156, 7160 & 7164 S. Hudson Cir.;
4. the first three southside Lots that back up to E. Fremont Avenue, specifically 7246, 7244 & 7242 S. Hudson Ct.;
5. all Lots along the S. Grape St. entrance from Easter; and
6. all Lots along the S. Glencoe St. entrance from Dry Creek.

b. General Conditions

1. **Damage.** If any Perimeter Fence and/or walls located on a Lot are damaged or destroyed, the Owner shall Repair or Replace, as defined below, the same at the Owner's expense.
 - i. **Repair**
Repair is defined as the reconditioning of 20% or less of the total linear fence footage. Repairs of Perimeter Fences to restore to the original condition do not require DRC approval.
 - ii. **Replace**
Replace is defined as the construction of new fencing exceeding 20% of the total linear footage. Replacement of Perimeter Fences/walls shall be constructed in accordance with the Perimeter Fence Design Specifications as set forth below. Replacement requires DRC approval.
 - iii. **Original Sanford Solid Design Fences.** When the Homestead Farm neighborhood was originally built, the developer, Sanford Homes, erected four-foot solid fences (“**Sanford Solid Design**”) around the Perimeter and other locations. The Guidelines were amended in 2002 to allow Owner’s living along the Perimeter to replace their Sanford Solid Design fences with a six-foot Perimeter Fence Style fence. Some Lots still retain fences in the Sanford Solid Design style. Except as set forth in the Guidelines, if any Sanford Solid Design style fences are destroyed or damaged in an amount equal to or greater than 20% of the total fence linear footage, the Owner shall replace the entire fence with a fence in the Perimeter Fence Style.
2. **Stain.** All Perimeter Fences must be uniformly stained with the DRC approved color.
3. **Double-Sided.** Double-sided fencing may be allowed with DRC approval.
4. **Drainage Under Perimeter Fencing.** It is important to remember that certain drainage patterns may exist along or under Perimeter Fence locations. When constructing a Perimeter Fence, an

Owner must provide for a space at least 2 inches between the bottom of the Perimeter Fence and the ground elevation so as not to block these drainage patterns.

5. **Exceptions.** For the properties located at 7200, 7210, 7220, & 7230 S. Hudson Way, Owners of these properties shall, at the time of Replacement, replace the existing the Sanford Solid Design style fence with an Open Style Fence in accordance with **Figures A and B of Attachment 7**.

c. **Perimeter Fence Design Specifications.**

Perimeter Fences shall be constructed in accordance with the design specifications of **Figures A, B, and C of Attachment 6** and as set forth below.

<i>Location:</i>	Perimeter Fence Style is required in the locations set forth in Figure D of Attachment 6 .
<i>Maximum Height:</i>	6 feet
<i>Material:</i>	Rough sawn cedar
<i>Fasteners:</i>	Galvanized or weather resistant fasteners must be used
<i>Rails:</i>	Fence to be constructed with three 2x4 cedar rails evenly spaced and mounted flush with the backside of posts using joist hanger
<i>Posts:</i>	6x6 cedar posts will be set at intervals of 8 feet or less, and property plumbed. Posts are to be set in holes at least 12" in diameter and 24" below ground. Top of posts shall be bevel cut at 45 degrees. Pickets: 5/8" x 5-1/2" cedar
<i>Trim:</i>	Two 1x4 cedar fascia boards on the front along the top and bottom
<i>Top Cap Board:</i>	1x6 cedar or 1"x5-1/2" composite material
<i>Color:</i>	All Perimeter Fences must be uniformly stained with DRC approved color. Currently, the HF Perimeter Fence Stain is sold at Home Depot. <ul style="list-style-type: none"> • Behr Base: 2211 Solid Color Wood Stn/Stain • SO Color Name: Plymouth Gray • Color Id: (DP-504) • Color Formula: <ul style="list-style-type: none"> ▪ BL (lamp black colorant) = 246 ▪ CL (yellow oxide colorant) = 50 ▪ LL (raw umber colorant) = 1Y106

- d. **Brick Pillars.** At the time an Owner's Perimeter Fence is either repaired or replaced, any existing brick pillars on the fence line are to be increased in height to match the height of the new Perimeter Fence line, or completely removed.

- e. **City Permit.** Owners are responsible to ensure compliance with any applicable Building Codes, Building Permits, and the LDC regarding fencing, including any permit requirements. Fencing constructed without any required permits and/or out of compliance with applicable Building Codes, Building Permits, and the LDC are grounds for denial by the Committee (DRC or ACC) and/or the Board at either the time of the fencing project application or after completion of the fencing project. Fencing constructed out of compliance and/or without the applicable permits must be re-constructed in compliance with applicable Building Codes, Building Permits, and the LDC.

Non-Perimeter Fence

A. Background

The Guidelines specify, among other things, that non-perimeter fences adjacent to ‘common areas’ will be of split rail design. However, the reference to “common area” is ambiguous as it is not defined in the Guidelines, but in the Declarations. Non-Perimeter fences can be of either Open Style or Solid Style.

Since Guidelines related to Non-Perimeter fences were vague as to what style of Non-Perimeter Fence is allowed and in what locations, the DRC asked the Board for guidance regarding the following questions:

1. What is a “common area” that requires the Open Style, a/k/a split-rail, fence?
2. What is the approved fence style for the side-yard area in-between homes?
3. What is the approved fence style for the back-yard area in-between homes?
4. What is the approved fence style for the front-yard area in-between Living Units?
5. What is the approved fence style for the pedestrian walkway alley between the properties located at 7461 and 7471 South Forest Court? (“Ridgeview Alley”).
6. What is the approved fence style for the entrances from the Ridgeview neighborhood (that is, E. Geddes Ave & E. Fremont Ave.)?
7. What is the approved fence style for the properties that back up to the Ridgeview neighborhood and Medema Park?
8. What is the minimum fence setback from the front-yard, sidewalk, and street?

B. Discussion

1. *Common Areas.* Common Area is defined in the Article 1 of the Declarations as Tracts A through E which are the greenbelts and the open space surrounding the pool and tennis courts. But the Guidelines refer to a lower-case ‘common area’ is describing where only Open Style fencing is allowed. The hidden Common Area definition has led to DRC confusion.
2. *Side-Yard Neighbors.* Currently, Owners may erect either an Open Style or Solid Style fence along the lot line between their Living Unit and a neighbors Living Unit. A mix of both styles exists today.

3. *Back-Yard Neighbors.* Currently, Owners may erect either an Open Style or Solid Style fence along the lot line between their Living Unit and a neighbors Living Unit. A mix of both styles exists today.
4. *Front-Yard Neighbors.* Currently, Owners may erect either an Open Style or Solid Style fence on the front side of their lot between their Living Unit and a neighbor's Living Unit. A mix of both styles exists today. There is no minimum setback for such fences from the front of the Lot or Living Unit footprint.
5. *Ridgeview Alley.* Currently, a mix of a Solid Style fence and an open vertical slat style four-foot fence flank this alleyway.
6. *Ridgeview Entrances.* There are two entrances to Homestead Farm from the Ridgeview neighborhood on E. Geddes Ave & E. Fremont Ave. Currently, a mix of six-foot and four-foot Solid Style fences flank these entrances.
7. *Ridgeview Backyards & Medema Park.* Several Lots border the Ridgeview neighborhood and Medema Park. Currently, a mix of six-foot and four-foot Solid Style, as well as Open Style fences exist along this border.
8. *Setbacks.* The majority of Lots that have fencing along a sidewalk are setback several feet from the sidewalk boundary. However, current Guidelines set no minimum fence setback for fences along the neighborhood sidewalks, streets, and Living Unit footprint. Prior Guidelines did require a minimum fence setback from sidewalks. However, there are no the fence setback requirements resulting in at least one Owner erecting a Solid Style fence up to the sidewalk boundary. This action resulted in several complaints.

C. Findings

Based on the Open Style preference and to provide clear guidance to the DRC when reviewing Non-Perimeter Fence requests, the Board approved changes to Section 4.21 of the Guidelines to accomplish the following:

1. *Common Areas.* Include the definition of "Common Area" in Section 1.01 of the Guidelines and include a revised Common Area map as Attachment 1 to the Guidelines for clarity as to where the Common Areas are located.
2. *Side-Yard & Backyard Fencing.* For privacy concerns and a consistent appearance, Lots bordering another Lot to erect either a Solid Style fence or an Open Style fence but neighbor written consent is required.
3. *Front-Yard Neighbors.* For fencing between and on the front-side of the Living Unit, either a Solid or Open Style fence may be erected in such area and no closer to the front Lot line than the Living Unit's back footprint.

4. *Ridgeview Alley.* For privacy concerns and a consistent appearance, Lots bordering the Alley may erect Open or Solid style fences at time of replacement of the current fence.
5. *Ridgeview Entrances.* For consistent appearance to all vehicular entrances to Homestead Farm, Lots bordering the Ridgeview Entrances may only erect Solid Style fencing.
6. *Ridgeview Backyards & Medema Park.* For privacy concerns and a consistent appearance, Lots bordering the Ridgeview neighborhood and Medema Park may erect Open or Solid Style fences.
7. *Setbacks.* For aesthetic look and consistent appearance, all Non-Perimeter fences shall be setback at least two feet from a street or sidewalk boundary. Also, all Non-Perimeter Fencing located between Living Units the fencing shall be setback no closer to the front of the Lot than the halfway point of the original Living Unit footprint.

D. Revisions

Below is the revised Guideline 4.21 for Perimeter Fences.

4.21 Fences - Non-Perimeter.

a. Definition of Non-Perimeter Fence.

A Non-Perimeter Fence is defined as any fence style (new or existing) erected within Homestead Farm that is not a Perimeter Fence or Sanford Solid Design fence. There are only two Non-Perimeter Fence styles approved for Homestead Farm: (1) the Open Style Fence; and (2) the Solid Style Fence as detailed below and in **Attachments 7 and 8.**

b. General Conditions.

1. **Removal.** Non-Perimeter Fences and/or walls may not be removed, replaced, painted or stained a different color, or altered, including adding a gate, without approval of the DRC.
2. **Damage.** If any Non-Perimeter Fences and/or walls located on a Lot are damaged or destroyed, the Owner shall Repair and Replace, as defined below, the same at the Owner's expense. Repair or Replacement of such Non-Perimeter Fences/walls shall restore the same to its original condition.
 - i. **Repair**
Repairs are defined as the reconditioning of 20% or less of the total linear fence footage. Repairs of fences to restore to the original condition do not require DRC approval.
 - ii. **Replace**
Replacement is defined as the construction of new fencing exceeding 20% of the total linear footage. Replacement of Non-Perimeter Fences /walls shall be constructed in accordance with the Non-Perimeter Fence Design Specifications as set forth below. Replacement requires DRC approval.

3. **Lot Line Fencing.** Owners are not required to have fencing along their Lot lines. If an Owner desires fencing, Owners are encouraged to install and maintain Open Style fencing along the Lot lines adjacent to other properties to maintain and encourage the open architectural design and spirit of Homestead Farm. See **Attachment 7, Figures A and B.** Except when such Lot line is adjacent to Common Areas, Owners may construct a Solid Style fence along the Lot lines. See **Attachment 8, Figures A, B & C.**
4. **Common Areas.** Unless otherwise specified in these Guidelines, Non-Perimeter Fences constructed adjacent to Common Areas must be Open Style Fences. See **Attachment 1 and Attachment 7, Figures A, B, and C.**
5. **Street Fencing.** Unless otherwise stated herein, for Lot lines adjacent to a neighborhood street, the fencing must be Open Style Fencing.
6. **Ridgeview Alleyway.** For Properties located at 7461 and 7471 South Forest Court, the side Lot lines adjacent to the alleyway to the Ridgeview neighborhood, only Open Style or Solid Style Fencing is permitted. See **Attachment 8, Figure D.**
7. **Medema Park / Ridgeview Neighborhood.** For Properties that back up to the Medema Park or homes in the Ridgeview neighborhood, Open Style or Solid Style Fencing is permitted. See **Attachment 8, Figure D.**
8. **Ridgeview Entrances.** For Properties whose side Lot lines are adjacent to the street entrances from the Ridgeview neighborhood, specifically East Fremont Avenue and East Geddes Avenue, only Solid Style Fencing is permitted. See **Attachment 8, Figure D.** such Solid Style fencing may slope from 6 feet to 3.5 feet in height as depicted in **Figure A of Attachment 8.**
9. **Between Home Fencing.** Fencing between Living Units that is (i) not adjacent to a side or back yard Lot line; and (ii) faces the front side of the Lot shall be either an Open Style or Solid Style. If a Solid Style Fence, then the fence can be either 6 feet or 3.5 feet in height. A mix of fence styles between Living Units is allowed. See **Attachment 10, Figure A.**
10. **Setbacks.** All fence setbacks shall comply with applicable Building Codes, Building Permits, and the LDC. However, such fence setbacks shall, at a minimum, comply with the following:
 - i. **Street**
All Non-Perimeter Fencing adjacent to a street and/or sidewalk must be setback a minimum of two feet from the street and/or sidewalk.
 - ii. **Front Facing**
All Non-Perimeter Fencing located between Living Units as described in **Section 4.21.b.9,** the fencing shall be setback no closer to the front of the Lot than the halfway point of the original Living Unit footprint. See **Attachment 10, Figure B.**
11. **Neighbor Consent.** For an Owner seeking to construct a Non-Perimeter Fence that is adjacent to a neighbor's back yard or side yard Lot line, such Owner must obtain the written consent from the adjacent Property Owner. Consent is required as to: (a) the fence style, that is Open or Solid; and (b) which side of the fence (smooth/flush vs. rough) shall face which Owner. Such written consent must be expressly stated on the Application for Project Approval form.
12. **Double Fencing.** Double fencing shall not be permitted. However, DRC may consider double-sided solid fencing located on adjacent Owner Lot lines.

13. **Drainage under Fencing.** It is important to remember that certain drainage patterns may exist along or under proposed fence locations. When constructing a fence, an Owner must provide for a space at least 2 inches between the bottom of the fence and the ground elevation so as not to block these drainage patterns.
14. **Animal Control.** Welded wire mesh (2"x4") attached to an Open Style fence is allowed to insure animal control. The welded wire should be of a type designed to be as unobtrusive as possible. Wire shall not extend above the top of fence posts. Poultry netting or 1/2 x 1/2-inch hardware cloth may be allowed provided it does not extend above the top of the bottom rail of an Open Style fence.

c. **Non-Perimeter Fence Design Specifications.**

1. **Open Style Fence** (also known as split-rail style).

Open Style Fences and gates shall be constructed in accordance with **Figure A** and **Figure B** of **Attachment 7**.

- Location:* Open Style Fence is required in the locations set forth in **Figure C** of **Attachment 7** and may also be located on the rear and side property lines
- Maximum Rail Height:* 4 feet (3 rail) or 3 feet (2 rail)
- Maximum Post Height:* 4 feet 6 inches (3 rail) or 3 feet 6 inches (2 rail)
- Material:* Split cedar
- Rails:* Fence to be constructed with two or three evenly spaced, 4-inch minimum diameter "jumbo" cedar rails. Top rail shall be 6" below top of post
- Posts:* Cedar posts will be set at intervals of 10 feet or less, and properly plumbed. Posts are to be set in concrete piers at least 10" in diameter and 24" below ground.
- Gates:* Maximum width of 4 feet and maximum height equal to posts. Gates shall be built with horizontal 2'x4' cedar rails in line with fence rails with a 2x4 "z" brace. 5/8"x3-1/2" or 5'-1/2" dog-eared pickets on exterior side of gate. Top of pickets shall be parallel to top rail and bottom of pickets shall be parallel to bottom rail or ground surface. Maintain 2" minimum clearance at bottom of pickets to avoid blocking drainage pattern.
- Color:* Weather-aged natural finish

2. **Solid Style Fence** (also known as dog-eared or privacy fence).

Solid Style Fences shall be constructed in accordance with **Figure A** and **Figure B** of **Attachment 8** and Solid Style Fence gates shall be constructed in accordance with **Figure C** of **Attachment 8**. As to Lots with a slope rising away from the Living Unit, the DRC will consider approval of the Solid Style Fence located at the foot of the slope rather than on the Lot line at the top of the slope. In this case, a landscaping plan for the slope area may be required by the DRC.

- Location:* Solid Style Fence is required in the locations as set forth in **Figure D** of **Attachment 8** and may also be located on the rear and side property lines

Allowed Fence Allowed Fence Heights: 4 feet, 5 feet, or 6 feet, fence transitions must be consistent with **Figure A of Attachment 8.**

Heights: Allowed Fence Heights: 4 feet, 5 feet, or 6 feet, fence transitions must be consistent with **Figure A of Attachment 8.**

Material: Rough sawn cedar

Rails: Located at top and bottom of fence with rails on interior side. 6 ft. fences to include additional center rail evenly spaced between top and bottom rails. Rails shall be mounted flush with the backside of the posts using joist hangers.

Posts: 4'x4' or 4'x6' cedar posts set at intervals of 8 feet or less, and properly plumbed. 4'x6' cedar posts required for gates. Posts are to be set in concrete piers at least 10" in diameter and 24" below ground.

Pickets: 5/8"x3-1/2" or 5/8"x5-1/2" cedar

Gates: Maximum width of 4 feet and maximum height equal to posts. Gates shall be built with horizontal 2'x4' cedar rails in line with fence rails with a 2'x4' "z" brace. Turnbuckle and cable brace recommended located opposite to wood "z" brace. Pickets shall match fence. Top of pickets shall be parallel to top rail and bottom of pickets shall be parallel to bottom rail or ground surface. Maintain 2" minimum clearance at bottom of pickets to avoid blocking drainage pattern.

Color: Weather-aged natural finish

Fences or Screening located within a Lot line must be consistent with interior lot line Solid Style Fence and be an integral part of the landscape design. Fences or Screening shall not exceed 4 ft. in height.

- d. **Prohibited Styles.** Except as noted, plastic, chicken wire, hog wire, barbed wire, strand wire and/or chain link style fences are not allowed.
- e. **City Permit.** Owners are responsible to ensure compliance with any applicable Building Codes, Building Permits, and the LDC regarding fencing, including any permit requirements. Fencing constructed without any required permits and/or out of compliance with applicable Building Codes, Building Permits, and the LDC are grounds for denial by the Committee (DRC or ACC) and/or the Board at either the time of the fencing project application or after completion of the fencing project. Fencing constructed out of compliance and/or without the applicable permits must be re-constructed in compliance with applicable Building Codes, Building Permits, and the LDC.