

Tellico Harbor Property Owners' Association

Rules & Regulations – Section 6

Guidelines for Fencing - Rev. 2

Pursuant to the Declaration of Covenants, Conditions, and Restrictions ("DCC&Rs") of Tellico Harbor Property Owners' Association (the "Association") Article X, the following written rules and regulations are adopted in order to further and foster compliance by homeowners with the provisions and requirements of the DCC&Rs, the Bylaws and Rules & Regulations (hereinafter collectively the "governing documents") of the Association. These rules are to provide guidelines for owners who apply for approval to install fences and for the Architectural Control Committee (ACC) in performing its duties. These rules are intended to provide consistency of application and additional clarification of the requirements and provisions of the governing documents, not supplant or amend them, and in the event of an inconsistency or conflict between these Rules and the governing documents of the Association, the governing documents provisions will supersede and apply.

- A. The THPOA prefers no fences be installed. However, fences will be considered by the ACC on a case by case basis. Application to the ACC must be made in accordance with Article VIII of the Covenants. Fences are required around pools. No pool installation will be approved without an accompanying application for a security fence surrounding the pool.
- B. Fence Definition: A structure that is a barrier and used as a boundary or means of protection or confinement. (Note: this definition does not include structures designed solely for landscaping/gardening purposes that do not provide protection or confinement. Such landscaping/gardening structures may also require ACC approval prior to commencement but they are not bound by these guidelines.)
- C. Guidelines for consideration of a fence:
 1. Approval by the ACC Required: The ACC must approve the design, materials and location of all fences prior to commencement of installation. No fence shall be commenced, erected or maintained upon the property within the development until and unless the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by the ACC. Approval of fence applications by the ACC will be determined by majority vote and the determination of the individual committee members shall be upon the exercise of the sole and absolute discretion of each member. The ACC reserves the right to inspect the fence at any reasonable time before, during or after construction to insure compliance with the approved fencing plan.
 2. Review by the ACC will include but is not limited to the following considerations:
 - a. General Considerations: Harmony of external design and color, effect on sight line of other lots, location in relation to surrounding structures and topography, and compliance with the Protective Covenants of the association and these guidelines.

- b. Location: Fences are to be directly behind the house and no wider than the house. No fence shall be permitted in the front or side yard of a lot. Twenty-four inch (24-inch) setbacks from rear property lines are required to allow for owner maintenance unless mutually agreed to by adjacent lot owner and specific written consent is submitted to the ACC. Fencing of drainage, utility and landscape easements is generally not allowed; however, if special circumstances exist, they may be considered. All structures and fences must meet the 20 ft setback from common property requirement. Fence applications for vacant or adjoining lots will not be approved. Fence applications for corner lots and lakefront properties will not be approved except in conjunction with a pool installation.
- c. Construction and design: All fencing shall be constructed of quality materials. All fencing shall be properly braced and all posts shall be placed into the ground with concrete or placed at such depth so as to insure the fence will be secure and will not lean or move. All fence bracing and ribbing shall be on the inside of the fence. All fences will be of vertical design, i.e. traditional wrought iron or similar design. No horizontal slats, wire of any sort, rail, chain link, concrete block, unfinished metals, etc. designs will be approved.
- d. Materials: Wrought iron and ornamental aluminum materials with vertical designs that are dark in color will generally be approved. The ACC, in its discretion when circumstances warrant, may approve wood or vinyl materials that meet all other requirements specified in these guidelines. No horizontal slats, wire of any sort, rail, chain link, concrete block, unfinished metals or other objectionable materials, etc. will be approved.
- e. Visibility: A minimum of 70% visibility through the fence materials is required.
- f. Height: No fence exceeding 60 inches in height will be approved.
- g. Aesthetics: Fence design and color will be considered in relation to the surroundings. Designs and color must be as neutral as possible to surroundings and backdrop. Fences must be visually appealing and compatible with their surroundings to include both house and landscape style.
- h. Fence Maintenance: All fences must be maintained and repaired in a reasonable fashion. The Board/CCC shall provide notice of any maintenance violation. Such violations shall be corrected within 10 days of said notice. If the violation is not fully and completely corrected, the Association retains the right to assess the owner a personal charge and/or correct the violation and bill the owner for all applicable costs including but not limited to lien rights, attorney's fees, cost of repairs, interest at the maximum rate allowable by law and all other reasonable costs of collection. Other penalties as adopted by the POA board may also apply.
- i. Lakefront and corner lots: No fences shall be allowed on lakefront lots and corner lots (except in conjunction with a pool installation).
- j. Vacant and adjoining lots: No fences shall be allowed on vacant or adjoining lots.

- D. Variations: The Board, in its discretion, may grant a variance to these guidelines when sufficient hardship is demonstrated or there are special or mitigating circumstances which warrant such variance. A request for variance must be presented to the board in writing and must include supporting documentation as to why the variance is warranted. A hearing date and time will be set if the appealing lot owner wishes to appear before the Board in person. If a hearing in person is not requested, the Board, at its own convenience, will consider the supporting documentation as presented. When variances are requested by a lot owner, adjacent lot owners and any others affected by the variance, as determined by the Board, will be notified. Opinions of affected neighbors will be considered in the final decision by the board. After all evidence presented to the Board has been considered, the Board will notify the appealing owner of its decision.
- E. Grandfather Clause: All fences approved by the ACC prior to the enactment of these Rules and Regulations are grandfathered.
- F. Rule Enforceability
1. If any portion of these rules is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rules.
 2. These Rules, Regulations, Policies and Procedures are established to promote the health, safety, and welfare of Tellico Harbor Residents and owners and to support the Association's desire to preserve and enhance the property values within the development. These Rules and Regulations will take effect immediately upon passage and enactment and supersede all previous rules regarding fences.

DATED AND ENACTED July 10, 2007

James R. Horton (President)

Tom DuChemin (Vice-President)

Bob Mestach (Treasurer)

Larry Lanz (Director at Large)

Brenda Bloomfield (Acting Secretary)