

Final

Grandview Estates P.O.A.

FENCE POLICY¹

As defined in the Deed Restrictions "Improvement" shall mean and refer to any dwelling, garage, carport, swimming pool, boat slip, **fence** and any other object placed on, in or under the Properties². Therefore all policy that relates to fences will refer to the Deed Restrictions as regards **fences and improvements**.

No improvement [**fence**] shall be erected, placed or altered on any Lot until the construction plans and specifications and a plot plan showing the location of the improvement [**fence**] thereon have been approved by the Architectural Control Committee with respect to harmony with existing structures, design, color, location with respect to topography and finished grade elevation and compliance with minimum construction standards more fully provided for herein. The Committee is authorized to grant variances if the variance is reasonable and if the structure is not inconsistent with the general scheme and harmony of the development. The builder must be approved in order to ensure that the structure will be built according to the plans and specifications. The Architectural Control Committee reserves the right to approve the builder selected by Lot owner.³

There is a five-foot (5') building line and utility/drainage easement along all side lot lines unless otherwise shown [on the survey plats].⁴ No main residence, garage or carport or any other out building [**"improvement (fence)"**] or any part thereof shall be located nearer than 5 feet to any interior side Lot line.⁵

Declarant hereby reserves the right to grant upon, across and over each Lot an easement and license along the perimeter boundaries of each Lot to the width of five feet measured from each boundary of each Lot, protruding from each boundary into the interior portion of each Lot, for the purpose of erection, construction, maintenance, repairs, and the continuous placement of an electrical lighting system throughout the Property. . . . Each owner, by acceptance of a Deed to a Lot in these Properties, does acknowledge the existence of this reserved right and the rights hereunder created, such right being for the expressed benefit of each other Lot in the Properties.⁶

¹ Fences that were **approved** by the Architectural Control Committee prior to September 2012 are grandfathered, but the Board encourages all grandfathered property owners with fences to conceal their fences from public and neighboring Lot view. Fences that were **approved** by the ACC prior to September 2012 shall not serve as precedent for the approval of any fence in the subdivision thereafter.

² **ARTICLE I, Section 16.** All references to **ARTICLES** in this document are from the Declaration of Covenants, Conditions, and Restrictions of Grandview.

³ **ARTICLE III, Section 3.**

⁴ Moyer Surveying, Section One, File #2005-074928, Note 8, File #2005-074928, Note 6; Section Two, File No: 2006-029446, Note 5; Town and Country Land Surveying, Section 3, File #2007-035227, Note 8.

⁵ **ARTICLE III, Section 6.**

⁶ **ARTICLE III, Section 14.**

The property owners' association may not amend a dedicatory instrument to grant the property owners' association an easement through or over an owner's lot without the consent of the owner. Texas law does not prohibit owners' associations from adopting or enforcing a Restriction in the dedicatory instrument that allows the property owners' association to access an owner's lot to remedy a violation of the dedicatory instrument.⁷

No improvement, alteration, addition, or modification will be approved if there is known or found to be an existing violation of the Restrictions applying to the subdivision or the Bylaws, or P.O.A. Policies and Rules. Any unapproved improvement, alteration, addition, or modification made to a Lot, if unresolved at the time a Lot is being offered for sale, will be provided on any and all current or future "Resale Certificates" to clearly state that the property is in violation of the Restrictions applying to the subdivision or the Bylaws or P.O.A. Policies and rules of the Association. Further, the Board shall give notice to and require the current owner of a previously owned or occupied property that the previous owner made an unapproved improvement, alteration, addition, or alteration and that they have purchased a property which is in violation of the Restrictions, Bylaws, or Policies and Rules for which the current owner is responsible to correct.

Fence Location Specifications:

1. No fence may be located nearer than 5 feet to any interior side Lot line⁸
2. No fence may be erected or maintained nearer to the front of any Lot than the front of the Residential Dwelling constructed on the Lot, or, on corner lots, nearer the side lot line than the side lot building line parallel to the side street as shown on the recorded Plat.
3. No fence [nor earthwork necessary to erect the fence] may impede the natural flow of water across the Lot (front to back and side to side),⁹ nor change the established drainage plan.
4. Fences may enclose a small patio which is an integral part of the dwelling.
5. Fences may enclose the perimeter of a swimming pool and the deck of the swimming pool if the pool and deck are an integral part of the dwelling.
6. No fence may be constructed within any utility easements located along the rear of each owner's Lot.¹⁰
7. The Architectural Control Committee reserves the right to require that fences are in harmony with existing structures, design, color, location with respect to topography and finished grade elevation.¹¹

⁷ Texas Property Code, Title II Restrictive Covenants, Chapter 202, Construction and Enforcement of Restrictive Covenants, Sec. 209.012 (a), (b).

⁸ **ARTICLE III, Section 6.**, ⁸ Moyer Surveying, Section One, File #2005-074928, Note 8, File #2005-074928, Note 6; Section Two, File No: 2006-029446, Note 5; Town and Country Land Surveying, Section 3, File #2007-035227, Note 8.

⁹ **Article III, Section 16**

¹⁰ **Article II, Section 7**

¹¹ **Article III, Section 3**

8. The Architectural Control Committee reserves the right to require that fences are located at a greater distance from the Lot lines than the building line shown on the plat.¹²
9. Fences must be located so as to minimize the impact on neighboring properties regarding property maintenance, access, trespass, and aesthetic views.
10. All fences that are visible from the street must be concealed by landscaping with planted hedges of no less height than the fence. The landscaping must be approved by the ACC at the time of application for the fence.
11. No fence may be constructed on vacant lots.

Fence Construction Specifications

1. Waterfront Lot fences and fences on any other Lot except those listed in Item 2 herein must be of ornamental iron construction, black in color and of a design that conforms to the Committee's pre-determined plan for such improvements unless otherwise approved by the Committee and not exceed four (4) feet in height.
2. Fences of interior Lots (Section 1 Block 1, Lot 1 and Block 2, Lots 18-24; and Section 3, Block 1, Lots 1-8¹³) may be black ornamental iron, masonry or wood construction as approved by the Committee with a maximum height of six (6) feet.
3. No chain link fences shall be erected, placed or permitted to remain on any residential Lot.
4. All wooden fences shall be constructed of material to be approved by the Committee. Maximum height of wooden fences shall be six feet.
5. All wooden fences, if approved, exposed to view from the street adjacent to the Lot shall be built so the finished side faces said street.¹⁴
6. The Architectural Control Committee reserves the right to require that fences are in harmony with existing structures, design, color, location with respect to topography and finished grade elevation.¹⁵
7. Fences must be placed so as to minimize the impact on neighboring properties regarding property maintenance, access, trespass, and aesthetic views.
8. All fences that are visible from the street must be concealed by landscaping with planted hedges of no less height than the fence. The landscaping must be approved by the ACC at the time of application for the fence.¹⁶

¹² **Article II, Section 6**

¹³ **Article III, Section 16**

¹⁴ **Article III, Section 16**

¹⁵ **Article III, Section 3**

¹⁶ Fences that were **approved** by the Architectural Control Committee prior to September 2012 are grandfathered, but the Board encourages all grandfathered property owners with fences to conceal their fences from public and neighboring Lot view. Fences that were **approved** by the ACC prior to September 2012 shall not serve as precedent for the approval of any fence in the subdivision thereafter.

9. A temporary plastic construction fence must be installed along each side, front, and rear property line before new home construction begins and will remain throughout the construction.
10. Fences may not be used as a drying device or for the hanging of yard or pool equipment.

¹ Fences that were **approved** by the Architectural Control Committee prior to September 2012 are grandfathered, but the Board encourages all grandfathered property owners with fences to conceal their fences from public and neighboring Lot view. Fences that were **approved** by the ACC prior to September 2012 shall not serve as precedent for the approval of any fence in the subdivision thereafter.