

LAKES AT OAKMONT ◇ FENCE COMMITTEE

P.O. BOX 24 PLATTE CITY, MO 64079

Regulations for Above and Under Ground Yard, Kennel and Swimming Pool Fences

Drafted March 11th, 2003

The Fence Committee is a sub committee of the Design Review Committee (DRC) and all Fence Committee members are homeowners who live in Lakes at Oakmont (LAO). Article XII, Section 1.e of the Declaration of Covenants, Conditions and Restrictions (CCR's), contains the following provision; "No fence of any kind, including above and below fences, shall be erected, begun or permitted to remain upon any portion of the Properties unless approved by the DRC."

The intent of this committee, as established by the DRC and approved by the LAO Homeowners Association Board, is to set standards that help maintain the original open space design of the subdivision while allowing homeowners to fence for small children, pets and in-ground pools. These regulations in no way bypass the right of the DRC to be more restrictive.

All fences are subject to the regulations, set forth by the Fence Committee and approved by the DRC and LAO Homeowners Association Board. Homeowners must read carefully the Declaration of Covenants, Conditions and Restrictions provided at house closing before submitting any request for approval of a fence. The Fence Committee will challenge fences built without strict adherence to the approval process. Each fence application will be reviewed by the Fence Committee utilizing the guidelines below:

Fence Application Requirements

- Boundary survey for all above ground yard fencing and where required for pools or kennels. Homeowner may locate official boundary markers on property to verify lot boundary. If lot survey markers cannot be located, a survey will be required to establish the lot boundaries.
- Mortgage inspection survey showing measurements of house position on lot.
- Proposed fence and all measurements are to be drawn on the mortgage survey.
- Color brochure, a color picture or other color printout showing fence material.
- Fence application form
- All the above documentation is submitted to the Fence Committee for review.
- Fencing approval dependent upon lot locale, common area sight lines and roads.

Above Ground Yard Fencing Regulations

- Materials - cedar picket, wrought iron, powder-coated steel, coated aluminum, vinyl and polymer ornamental iron or materials of equal appearance and durability.
- Color - subject to review and approval.
- Fences must connect to the rear corners of the house. Fences must be a minimum of 8 feet inside the property line but not extend out from the house more than 16 feet.
- Back or rear of the fence must be a minimum of 25 feet inside the property line.
- Fence height may be up to 5 feet. Wooden picket fencing limited to 4 feet.
- No privacy style fences or shadowbox fences allowed.
- Wooden fences must remain natural in color; not painted.
- The finished side of the fence will face the surrounding properties.
- All fencing shall at all times be kept in good repair and aesthetically acceptable condition.
- All fencing shall be promptly repaired and maintained in good condition by homeowner.

Kennel Fencing Regulations

- Cement slab floor.
- Doghouse enclosed within kennel fencing.
- Standard kennel cover material.
- Minimum of 8 feet inside the side property lines.
- 25 feet inside the back property line.
- Landscaped with materials mature enough to provide visual screening within one year.

Swimming Pool Regulations

- No part of swimming pool closer than 25 feet to any property line. If lot does not allow this clearance, a boundary survey will be required.
- All pumps and other permanent pool equipment concealed from public view.
- All pools must be in-ground construction and enclosed with a fence.
- All swimming pools must comply with Platte County swimming pool codes.

Permitted Non-Conforming Fences

This term applies to all fences, both above and below ground that were installed with DRC approval before the Fence Regulations were drafted on March 11, 2003.

- Any and all alterations to non-conforming fences must be approval by the Fence Committee.
- When such a non-conforming fence is partially or entirely replaced or altered in any manner, non-conforming fences will be required to comply with current boundary and material regulations.
- As of January 2001 all existing underground fences in violation of the restrictive covenants will be grandfathered as permitted non-conforming fences until such non-conforming fence is partially or entirely replaced or altered in any manner.

Underground Yard Fencing Regulations

The Declaration was amended by a homeowner vote to include the following language pertaining to underground fences. As to below underground fences, the following shall apply:

- No underground fence shall be located in the front or side yard of any lot except to the extent required to complete the electric circuit related to such underground fence.
- To the extent such underground fence must be located in the front or side yard areas, such fence shall be located no further than five (5) feet from the existing structure built on such Lot.
- All underground fences must be of the type which can be divided into separate zones. In other words, there shall be a front yard zone and back yard zone. Accordingly, to the extent any animals are kept on any particular lot, the animal must remain in the back yard zone and shall at no time have access to the front yard zone.
- Any resident, who installs an underground fence on their lot, must execute the form of indemnity provided by the LAO Homeowners Association, which shall indemnify and hold harmless the Board, the Association and the Developer.
- All Association members are hereby notified January 2001 as follows:
 - As of January 2001 all existing underground fences in violation of the restrictive covenants will be grandfathered as permitted non-conforming fences until such non-conforming fence is partially or entirely replaced or altered in any manner.
 - All new underground fences installed after January 2001, or replacements or alterations of existing fences, must be reviewed and approved by the Fence Committee. Fence Committee approval shall require conformance with the restrictive covenants in effect at the time of such review. The restrictive covenants will be strictly observed and enforced as violations come to the attention of the LAO Homes Association Board.
 - Any homeowner whose existing underground fence has been grandfathered as permitted non-conforming fence, as well as any homeowner who proposes to build new underground fences, shall be obligated to execute and deliver to the LAO Homes Association an indemnity agreement indemnifying the LAO Homeowners Association and Castlerock Development Company, Inc. from any and all claims, demands, liabilities, obligations costs and expenses, including attorney's fees, of any nature arising in connection with such underground fences.