
RESOLUTION PROPOSAL

DATE: November 17, 2009

SUBJECT: Amend PM 13.03 LMOA Environmental Controls: Construction and Property Maintenance Requirements to clarify regulations for decorative fencing

SPONSOR: Carol Cavanaugh, ECC/Compliance Administrator

BACKGROUND INFORMATION:

The ECC received an application for installation of a decorative fence on a rear property line bordering the golf course. Current policy states that a decorative fence may be installed along the entire length of property lines not bordering a Lake Monticello street, lake, pond or golf course. However the current policy does not state you cannot have decorative fencing along portions of these property lines it just states you cannot have it along the entire line. The old policy stated that decorative fencing could be installed along 35 % of these types of property lines.

The Environmental Control Committee recommends for property lines bordering a Lake Monticello street, lake, pond or golf course, that the 35% stipulation be reinstated or that the policy be changed to completely prohibit any fence installation bordering a Lake Monticello street, lake, pond or golf course.

See the attached proposed options for changes to PM 13.03.

Since the First Reading, Dick van Nierop, former Asst. Secretary for Policy Review, has recommended the second option with the following comment:

For long-term consistency and enforceability, I think the second alternative is better. 35% seems (is!) arbitrary, and is likely to generate future objections and appeals on the grounds that there is no basis for the number (why not 50%, or 75%?, etc.). I also am of the opinion that there is no real need for decorative fencing along those restricted boundaries, and that it will tend to inhibit the ability to mow or otherwise properly maintain the ground(s) immediately adjacent to the fencing. If you decide to retain the first alternative for the Board to choose from, I would re-state 1.b. to read:

No decorative fencing shall be installed on greater than thirty five percent (35%) of any property line which adjoins Lake Monticello common property (street, lake, pond, golf course, etc.).

For c., change 'is prohibited' to 'shall be prohibited.'

Support for Dick's recommendation has been received from VP Platt and Dave Brackett, member of the Ad Hoc Committee for ECC Policy Review.

STAFF RECOMMENDATION: Concur

PROPOSED FINANCIAL IMPACT: None

PROPOSED SOURCE OF FUNDING: NA

STRATEGIC PLAN REFERENCE:

1.1 Maintain and enhance the beauty of LMOA common areas

POSSIBLE MOTION:

Move that the Board of Directors approve the amendments to PM 13.03 LMOA Environmental Controls: Construction and Property Maintenance Requirements to clarify regulations for decorative fencing as presented in the November 17, 2009 Board packet.

PERSON RESPONSIBLE FOR FOLLOW UP: Environmental Control Committee

CHAPTER THIRTEEN – Section 13.03
CONSTRUCTION AND PROPERTY MAINTENANCE REQUIREMENTS

Proposed: November 19, 2009

VII. C. Decorative Fencing

When the purpose and design of a fence is part of a landscaping plan or is to mark the property lines or corners, the fencing shall be referred to as "Decorative Fencing" and must meet the following criteria:

1. **Installation**

- a. It may be installed along the entire length of the property lines not bordering a Lake Monticello street, lake, pond or golf course.
 - b. **On property lines bordering a Lake Monticello street, lake, pond or golf course it may be installed only on 35% or less of the adjoining property line.** [No decorative fencing shall be installed on greater than thirty five percent (35%) of any property line which adjoins Lake Monticello common property (street, lake, pond, golf course, etc.).]
2. Fabricated fences shall not exceed three feet in height; living fences shall have no height limitation.
 3. Not less than fifty percent of the face area of a fabricated Decorative Fence shall be open.

OR
[preferred]

C. Decorative Fencing

When the purpose and design of a fence is part of a landscaping plan or is to mark the property lines or corners, the fencing shall be referred to as "Decorative Fencing" and must meet the following criteria:

1. **Installation**

- a. It may be installed along the entire length of the property lines not bordering a Lake Monticello street, lake, pond or golf course.
 - b. **Fencing along the property line of any Lake Monticello street, lake, pond or golf course is shall be prohibited.**
2. Fabricated fences shall not exceed three feet in height; living fences shall have no height limitation.
 3. Not less than fifty percent of the face area of a fabricated Decorative Fence shall be open.