**WestWinds ECC Fence Guideline and Fence Application Form**

Approved/Adopted by WWBOD (07/16/2014) (Supersedes all previous WW ECC Fence Guidelines)

1. No homeowner shall build or install a permanent or temporary fence on a lot unless the homeowner’s fence has been approved by the WestWinds Environmental Control Committee (WWECC), and, if the lot adjoins the golf course, the WW Golf Club Owner, in accordance with the requirements described below.
2. The WW ECC shall approve an application for a fence if:
3. The homeowner submits an application in compliance with the requirements set forth in Section’s C & D below;
4. The proposed fence conforms to the Specifications outlined in Section E below and the Conditions outlined in Section F below; and is screened by landscaping to the extent required by Section G below;
5. Is approved by the owner of the Golf Facility if the proposed fence is for a lot adjoining the golf course; and if the WW ECC determines that the application is not in the best interest of the community pursuant to Section D, the WW BOD has overruled that objection.

Homeowner may not commence installation or construction of any fence until the homeowner receives written conditional approval from the WW ECC (and the WW Golf Club Owner if required by Section A above) In addition to the WW application submission, it is the responsibility of the homeowner to obtain all necessary Frederick County Building Permits and/or variances and observe all zoning ordinances as required by the County.

1. Application Requirements

The application package shall:

1. be submitted on the WWECC-approved Fence Application Form (below) and signed/dated by the homeowner;
2. include:
3. a site plan drawn to scale showing house, patios/decks, property lines, setbacks, easements, and
4. the location of the proposed fence and gate (if being installed) drawn in (Note: it is recommended that homeowners complete a professional property survey prior to submitting an application), and
5. a drawing or photograph showing fence design/style (manufacturer’s brochure is acceptable), including height, dimensions and color, and
6. current photographs of backyard, including locations of fence perimeter and connection points to the home, and
7. a product material list,

(Note: Any homeowner whose home or vacant lot adjoins the golf course must submit TWO SETS of the material listed above):

1. be accompanied by the $20 application review fee and a compliance deposit of a) $500 for properties located within Woodlands Preserve, or b) $1,500 for all other properties. Separate checks are to be made payable to WestWinds Village, Inc.;
2. be mailed to the WestWinds Environmental Control Committee, Box 589, New Market, MD 21774.

The ECC may reject any application if the homeowner fails to comply with any requirement(s) in Section C and the failure impedes the WW ECC’s ability to determine whether the proposed fence conforms with Sections E, F & G. If the homeowner intends to remove any trees in order to facilitate the construction or installation of the proposed fence, the homeowner shall also complete and submit the information requested under the Tree Removal section of the Fence Application Form.

1. Application Processing
2. Upon receipt of the application, the WWECC shall schedule a site visit with the homeowner (and forward the application to the WW Golf Club if the property adjoins the golf course).
3. Although the WW ECC shall make reasonable efforts to schedule the site visit for a time when the homeowner can attend, the WWECC shall perform the site visit within 2 weeks of receiving the application.
4. The homeowner shall stake the proposed location of the fence before the WW ECC’s site visit and for a period of two weeks thereafter.
5. During the site visit, the WW ECC shall post a sign notifying adjoining homeowners of the proposed fence and how to contact the WW ECC to get more information about the application. The sign shall be no less than 12” x 24” in dimension and be clearly posted in the front yard of the applicants property for a period of no less than two weeks.
6. After the site visit is complete and the homeowner objection period has expired, the WW ECC shall determine whether to approve the application at the next WW ECC monthly meeting;
7. If the WW ECC determines when it reviews the application at the applicable meeting that the fence substantially conforms to the requirements set forth in Sections E, F & G below, it shall conditionally approve the fence unless (a) it determines that approval would not be in the best interest of the community, in which case section D(7) shall apply; and (b) golf course approval is necessary, in which case D(8) shall apply .
8. In the event that the WWECC determines that an otherwise conforming fence would not be in the best interest of the community, the WW ECC shall propose an amendment to these guidelines to the WW BOD at the next WW BOD meeting, If the amendment is not accepted by the WW BOD within 60 days of the homeowner’s submission of the application, the WW ECC shall accept the fence. If the amendment is accepted by the WW BOD within 60 days of the homeowner’s submission of the application, and as a result of the amendment, the fence no longer conforms to these guidelines, the fence shall be rejected with the caveat that the homeowner can submit a new application.
9. If the proposed fence is for a lot adjoining the golf course, the WW ECC shall not approve a fence unless the WW Golf Club approves the application in writing; if the WW Golf Club fails to respond to the application within 60 days of the submission of the application, the fence shall be rejected.
10. Upon completion of the fence installation, the homeowner shall notify the WWECC who shall conduct another site inspection. If the fence conforms to these guidelines the WW ECC shall refund the compliance deposit. If the installation does not conform to these guidelines, the WW BOD reserves the right to seek any remedies available to it, including those available under the Covenants or at common law. The WW BOD may use the compliance deposit in furtherance of any remedy available to it, e.g. to pay for an attorney or to make corrections to a nonconforming fence.
11. Acceptable Types of Fences

Only the following three types of fences will be allowed. The type of fence allowed for a lot depends on the location of the property. See Section H below for the types of fences acceptable for specific properties:

1. black ornamental aluminum fencing protected by a maintenance-free powder coat finish over high-strength reinforced aluminum in traditional straight top rails, and
2. natural stained pressure-treated wood picket fencing (treated with a clear sealant) with an arched top (unless another type of wood picket fence had been approved by the ECC for adjacent lots, in which case the proposed fence shall be harmonious with the style of fence approved for the adjoining lots).

Only the following type of fence will be considered for the Woodland Preserves Townhome lots:

1. 6’ tall privacy fencing constructed of Western Red Cedar board-on-board (no lattice) with vinyl post caps and a gate at the back of the lot to the common area, except end unit gates can be placed at either the back or side of the townhome.
2. Specific Guidelines

All fences shall meet the following Specific Guidelines;

1. Fences shall not exceed 48 inches in height, unless a State or County law supersedes the WestWinds requirement.
2. No fences are permitted in front yards. Fences must be set back a minimum of 15’ from the front edge of the house and should take into consideration adjoining home locations (if applicable).
3. Fences shall adjoin the existing fence of the adjacent property, if applicable.
4. Fences should be installed with a uniform height (with consideration of lot contour) and spacing for their entire length.
5. Post caps and gate hardware shall match the material and color of the fencing.
6. Gate hardware should be rust resistant and have a black finish.
7. No application is required for “invisible” fencing used to contain family pets (i.e., dogs/cats). Note that the Covenants only allow a total of two (2) normal house pets be kept on an Improved or Vacant Lot.
8. Privacy fences are prohibited, except for the Woodland Preserves Townhome lots.
9. Painting of fences is prohibited.
10. Fences shall extend to and along the property lines of the lot.
11. Landscape Screening

Landscaping is not permitted for the “outside” perimeter of any proposed fencing, unless (a) For fences facing streets, the ECC may require a landscape buffer to maintain streetscape appeal; or (b) the fence encloses in whole or in part an ECC-approved in-ground pool.

A Homeowner may not install a pool unless the homeowner has submitted a separate Pool Application Form and the WECCC has approved that application. ABOVE-GROUND POOLS ARE PROHIBITED.

If the homeowner plans to install plantings “inside” the perimeter of any proposed fencing, a landscape plan shall be submitted with the Fence Application and contain the information requested in Section C, Application Requirements.

1. Acceptable Locations for Fences

Only black ornamental fences shall be permitted for all Improved Lots except for the following lots, where only the wooden picket fences described above under Acceptable Types of Fences will be permitted:

 Cherry Tree Court homes which back to wooded properties not adjoining the golf course

Country Club Road houses which back to Pond Fountain Court homes

Fair Lane houses which back to Pond Fountain homes

 Pond Fountain Court houses which back to Country Club homes

 Pond Fountain Court houses which back to Fair Lane homes

Wooden privacy fences shall only be permitted for the Woodland Preserves Townhome lots.

References

Amended Declaration of Covenants, Conditions and Restrictions for WestWinds Village dated December 2, 1992, under Exhibit B, item 28 and under Golf Facility, item 1, quoted as follows:

“Item 28, Exhibit B: Except for original construction authorized by the Declarant or its designee, no fence or wall of any kind shall be erected, placed or maintained, or permitted to remain upon any of the Properties, unless and until the written consent of the Environmental Control Committee has been obtained therefor.

Item 1 (3rd sentence), Golf Facility: With respect to Improved Lots and Vacant Lots which are contiguous to the Golf Facility, there shall be no fencing around or abutting the boundary of the Golf Facility except for temporary fencing erected by the owner or operator of the Golf Facility during tournaments and except that fencing which is approved by the owner or operator of the Golf Facility and the Environmental Control Committee. With respect to Improved Lots and Vacant Lots, which are not contiguous to the Golf Facility, there shall be no fencing or other obstructions within a distance of (10) ten feet from the boundary of the Golf Facility without the prior written permission of the owner or operator of the Golf Facility and the Environmental Control Committee.

With respect to any fencing which is permitted pursuant to this paragraph 1, the owner or operator of the Golf Facility and the Environmental Control Committee may condition its approval of such fencing on such additional rules and regulations as the owner or operator of the Golf Facility and/or the Environmental Control Committee shall deem necessary and appropriate to insure the maximum use and enjoyment of the Golf Facility, including but not limited to, proper landscaping and screening of the fencing and any and all other restrictions which the Environmental Control Committee and/or owner or operator of the Golf Facility may determine in their sole and absolute discretion.

Upon the completion of any properly approved fencing which encloses any Vacant Lot or the rear yard of any Improved Lot, any and all easements and licenses which may allow the retrieval of golf balls from such enclosed rear yard shall terminate automatically with no further action by any party.

 **FENCE APPLICATION----WESTWINDS ENVIRONMENTAL CONTROL COMMITTEE**

Homeowner Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Street Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Home Phone ( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cell or Work Phone ( ) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E-Mail Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Application for (check each as appropriate):**

\_\_\_\_\_\_ Black Ornamental Aluminum Fence

\_\_\_\_\_\_ Natural Stained Pressure-Treated Wooden Fence Treated with Clear Sealant

\_\_\_\_\_\_ Western Red Cedar Wooden Privacy Fence (Townhomes only)

\_\_\_\_\_\_ Landscaping

\_\_\_\_\_\_Tree Removal

**Submission Requirements** (Application will not be accepted unless each of the items below is submitted):

\_\_\_\_\_ Site plan drawn to scale showing house, patios/decks, property lines, setbacks, easements, and the location of the proposed fence and gate (if being installed) drawn in (Note: It is recommended that homeowners complete a professional property survey prior to submitting an application);

\_\_\_\_\_ Drawing or photograph showing fence design/style (manufacturer’s brochure is acceptable), including height, dimensions and color;

\_\_\_\_\_ Current photos of backyard, including house and lot from all applicable angles;

\_\_\_\_\_ Product material list;

\_\_\_\_\_ Landscape plan with names and final growth height and width of trees/evergreen shrubbery to be installed, if applicable;

\_\_\_\_\_ Review fee ($20); and

\_\_\_\_\_ Compliance deposit ($500 for Woodland Preserve Townhomes, $1,500 for all other homes).

Make separate check(s) payable to WestWinds Village, Inc.

Mail application package and check(s) to: WWECC, Box 589, New Market, MD 21774.

Homeowner’s Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Note: Homeowner is responsible for securing all necessary building permits, variances, and/or observing all local zoning ordinances as required by County/State/Federal government regulations.

\*Tree Removal: No trees measuring 8” or more in diameter measured at 2 feet off the ground, or more than 20 feet in height may be removed without the written approval of the WWECC. Submit: 1) Site Plan with tree location(s) drawn-in and name(s) of existing tree(s) proposed for removal written-in, and 2) photo of lot with tree(s) proposed for removal circled. Homeowner may be required to replace any tree(s) that ECC approves for removal with a like or similar tree. While not required at the time of application, the ECC reserves the right to request from the homeowner a certified arborist’s evaluation stating the condition of tree(s) and recommendation that the tree(s) need to be removed.

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**For ECC Use Only:** Date Application Received \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

WWECC Action:

\_\_\_\_\_ Review fee received (Amount: $\_\_\_\_\_\_\_\_\_\_)

\_\_\_\_\_ Compliance deposit received (Amount: $\_\_\_\_\_\_\_\_\_\_)

\_\_\_\_\_ Additional information needed\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_ Fence disapproved for following reason\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ Date of conditional fence approval, as submitted\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ Date of final fence approval\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ Date landscaping approved, if applicable\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ Landscaping disapproved for following reason\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_ Tree removal approved, as submitted

\_\_\_\_\_ Tree removal disapproved for following reason\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**For WW Golf Club Owner Use Only:**

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved for following reason: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Printed Name and Signature of Golf Club Owner Date

Form dated 07/16/14