

PERIMETER FENCES – N38 COURTYARD HOMES

The use-easement provisions for Neighborhood 38 residential lots and existing drainage easements combine to make fencing guidelines for this neighborhood particularly complex. The objective of the following provision is to ensure that all property owners in Neighborhood 38 can apply for the installation of a perimeter gated fence that will conform to the conditions inherent in each property:

- a) that will permit general access to their yard for their own use and yard maintenance;
- b) that will not interfere with the general access to the yards of adjacent properties for the use and yard maintenance of neighboring home owners;
- c) and, that will provide that the allowances and limitations applicable to other Sun City Texas homes apply to homes in Neighborhood 38, to the extent that the unique circumstances of Neighborhood 38 permit.

The Modifications Committee, when reviewing applications for fencing in Neighborhood 38, will apply these provisions carefully. Given the complex nature of this neighborhood, the Modifications Committee will, upon careful consideration, allow small deviations from these provisions to address conditions unique to the applicant's property.

PERIMETER FENCES – GENERAL

- a) Perimeter Fences for Courtyard Homes in Neighborhood 38 are composed of at least five segments and could be as many as nine segments:
 - One rear yard segment
 - One (or three) side yard segments on the patio side
 - One (or three) side yard segments on the non-patio side
 - One connection segment on the patio side from that side's segment to the patio/house
 - One connection segment on the non-patio side from that side's segment to the house

While each of these segments is described separately at least five are required for any given installation, and there could be as many as nine segments.

- b) The provisions of **Article 9.1 (Fences – General Characteristics & Requirements)** apply to every segment.
- c) The installation of a perimeter fence must result in a closed in rear yard, with at least one gate.
- d) The resulting fence can produce one and only one closed in area on the property. A backyard patio fence and a perimeter fence cannot both exist on the same lot.
- e) No portion of the fence can cross over a lot line and encroach on the neighbors' property unless it is necessary to meet an already installed fence segment on the neighbor's property, or to provide for the clearance specified in this article.
- f) The fence segments that connect to the house/patio are always attached at a right angle (90°) to the house/patio, regardless of the angle at the attachment to the next side yard segment.
- g) Fence segments may not encroach upon any drainage easement area. Fence segments shall turn and run parallel to the drainage easement area.

- h) A drainage easement area beyond the fence, cut off by the fence, shall be maintained by the home owner in compliance with community standards. Responsibility for the cut off area remains with the home owner in all respects.
- i) Fence segments bordering a drainage easement area or a Community Association common area(s) may have gated access to such area(s). Such gates shall open inward to the home owner's property and no part of the home owner's fence may enter upon the common area.
- j) The basic segment descriptions that follow apply in their entirety to all the lots in Neighborhood 38, except for those lots indicated in the table.

N38 PERIMETER FENCES – BASIC SEGMENT DESCRIPTIONS & EXCEPTIONS

SEGMENT	REQUIREMENT	EXCEPTION PROVISIONS
<p align="center">Patio Side 1st Segment</p>	<p>Shall run:</p> <ul style="list-style-type: none"> 1) from the house, starting anywhere between the very front of the extended patio (including any steps and landing area) AND EITHER: <ul style="list-style-type: none"> a) a line flush along the rear side of the house if the patio has a safety rail or seat wall, OR b) a line flush along the edge of the patio that abuts the rear of the house if the patio does not have a safety rail or seat wall. 2) to the side yard segment on the patio side. 3) at the angle of 90 degrees off the house/patio. 4) at the length that is the length that will cause this segment to reach the neighbor's fence - if the neighboring fence is already approved for installation, OR the larger of: <ul style="list-style-type: none"> a) the length that will cause this segment to reach the property line, OR b) the length that will allow a clearance of exactly 42" from the edge of the patio – wherever the second segment runs parallel with the patio. 	<p><u>Corner Lots: 38023, 38039, 38049, 38066, 38067</u></p> <p>Shall run:</p> <ul style="list-style-type: none"> 1) from the outside corner of the extended patio (coming off the patio at a ninety-degree (90°) angle) directly to the rear property line, OR from anywhere between the very front of the extended patio (including any steps and landing area), AND EITHER: <ul style="list-style-type: none"> a) a line flush along the rear side of the house if the patio has a safety rail or seat wall, OR b) a line flush along the edge of the patio that abuts the rear of the house if the patio does not have a safety rail or seat wall. 2) to the side yard segment on the patio side. 3) at the angle of 90 degrees off the house/patio. 4) at a length that is anyplace between: <ul style="list-style-type: none"> a) the length that will produce a clearance of exactly 42" from the edge of the patio – wherever the second segment runs parallel with the patio, OR b) the length that will cause this segment to reach the property line.

SEGMENT	REQUIREMENT	EXCEPTION PROVISIONS
<p>Patio Side 2nd Segment</p>	<p>Shall turn and run:</p> <ol style="list-style-type: none"> 1) from the first segment 2) towards the rear of the property 3) at the angle that will bring this segment parallel to the side lot line. 4) at the length required for it to reach: <ol style="list-style-type: none"> a) 42-inches behind the rear plane of the extended patio, if this segment is not on the side property line, OR b) the rear property line. If this segment reaches the rear property line, the third and fourth segments on the patio side are not required. 	<p><u>Corner Lots: 38023, 38039, 38049, 38066, 38067</u> Only required if the first segment does not reach the rear segment - shall turn and run:</p> <ol style="list-style-type: none"> 1) towards the rear of the property, from the end of the first segment 2) at an angle of 900, OR an angle that will cause this segment to run parallel to the side lot line. 3) at the length required for this segment to reach the rear property line. <p><u>Lots 38038 and 38048:</u> can utilize the developer installed fence on the patio side <u>Lot 38033:</u> can utilize the developer installed fence/wall on the patio side, providing that the following requirements are met:</p> <ol style="list-style-type: none"> 1) Installation of an additional fence segment to fully enclose the yard. 2) Installation of a large gate in that rear yard segment (the same as the developer installed gate facing the street) to permit access and egress of maintenance and emergency equipment. 3) Both large gates remain unlocked and available for use by maintenance personnel and emergency responders.
<p>Patio Side 3rd Segment</p>	<p>Required only if second segment on the patios side is not on the property line – shall turn and run:</p> <ol style="list-style-type: none"> 1) to the fourth segment on the patio side lot line: 2) at the angle that will cause this segment to be parallel with the first segment 3) at the length required for it to reach the side property line on the patio side 	
<p>Patio Side 4th Segment</p>	<p>Required only if second segment is not on the property line – shall turn and run:</p> <ol style="list-style-type: none"> 1) on the side lot line to the rear fence: 2) at the angle that will cause it to be on the property line 3) at the length required for it to reach the rear property line. 	

SEGMENT	REQUIREMENT	EXCEPTION PROVISIONS
NON-Patio Side 1st Segment	Shall run: <ol style="list-style-type: none"> 1) from a post placed at the corner of the house towards the non-patio side lot line 2) at the angle of 90 degrees off the house. 3) at the length that will cause this segment to reach the neighbor's fence - if the neighboring fence is already approved for installation, <u>OR THE SMALLER OF:</u> <ol style="list-style-type: none"> a) the length that will produce a clearance of exactly 42" from the edge of the next home's extended patio, <u>OR</u> b) the length that will cause this segment to reach the property line. 	
Non-Patio Side 2nd Segment	Shall turn and run: <ol style="list-style-type: none"> 1) towards the rear of the property, from the end of the first segment 2) at the angle that will bring this segment parallel to the side lot line. 3) at the length required for it to reach: <ol style="list-style-type: none"> a) 42-inches behind the rear plane of the extended patio of the next home, if this segment is not on the side property line, <u>OR</u> b) the rear property line, if this segment is on the non-patio side lot line. If this segment will reach the rear property line, the third and fourth segments are not required. 	Lot 38034: If granted a lease for the strip of land (Community Association Common Property) between the side of their lot and the developer installed concrete fence/wall (if any), they can utilize the developer installed fence/wall on the non-patio side and the rear, provided that the fencing along the side cannot be closer to the front property line than 55-feet.
Non-Patio Side 3rd Segment	Required only if second segment does not reach the property line – shall turn and run: <ol style="list-style-type: none"> 1) to the fourth segment on the non-patio side lot line 2) at the angle that will cause this segment to be parallel with the first segment 3) at the length required for it to reach the side property line on the non-patio side. 	
Non-Patio Side 4th Segment	Required only if second segment on the non-patio side is not on the property line – shall turn and run: <ol style="list-style-type: none"> 1) on the side lot line to the rear fence 2) at the angle that cause it to be on the property line 3) at the length required to reach the rear property line. 	
Rear of Lot Segment	The rear yard segment shall be on the rear lot line and cover the entire distance between the two side segments that terminate at the rear lot line.	Lot 38034: If granted a lease for the strip of land (Community Association Common Property) between the side of their lot and the developer installed concrete fence/wall (if any), they can utilize the developer installed fence/wall on the non-patio side and the rear, provided that the fencing along the side cannot be closer to the front property line than 55-feet.