



**THE HOMESTEAD AT CARROLLTON, PHASE I
HOMEOWNERS' ASSOCIATION, INC.**
(the "Association")

ARCHITECTURAL STANDARDS BULLETIN 4.5-1: FENCES/RETAINING WALLS

WHEREAS, pursuant to Article Four, Section 4.5 of the Declaration of Covenants, Conditions and Restrictions for The Homestead at Carrollton, Phase I (the "Declaration"), the Architectural Control Committee (the "Committee") for the Association is authorized to publish and promulgate bulletins regarding architectural standards which shall be fair, reasonable and uniformly applied; and

WHEREAS, Section 3.11 of the Declaration provides, in pertinent part, that except for fences constructed by the Declarant and maintained by the Association, "no portion of any fence shall exceed six (6) feet in height"; and

WHEREAS, the Committee has determined it is in the best interests of the community to promulgate an architectural stand governing the manner in which to measure the height of fences under Section 3.11 of the Declaration; and

WHEREAS, the Committee deems Section 3.11 of the Declaration to mean that fencing material (wooden, wrought iron, etc.) is to be considered separate and apart from a retaining wall to which the fencing material might be affixed;

WHEREAS, the Committee, with the unanimous consent of the Board of Directors of the Association (the "Board"), has approved the following standard regarding fences and how the six (6) foot height restriction is to be interpreted and applied;

WHEREAS, the Committee deems Section 3.6 (R) and 3.6 (S) of the Declaration to mean that any construction of a retaining wall will not alter the direction of the drainage flow of any lot "without the prior approval of the Town (City of Carrollton) and all other appropriate agencies having authority to grant such approval."

NOW, THEREFORE, the Committee and the Board have adopted the following standard which will clarify Section 3.11 of the Declaration as it relates to the required height of fences with retaining walls:

In measuring the height of a fence to determine if the fence complies with the six (6) foot height limitation, the fence height will be measured from the top of any retaining wall to which the fence is affixed. Pursuant to Section 4.3 of the Declaration, retaining walls require prior approval from the Committee and will only be considered and approved for purposes of leveling the yard. In addition, such retaining wall construction will not affect the lot's drainage flow, especially to neighboring properties, and any change must be approved by the City.

IT IS HEREBY RESOLVED that this Architectural Standards Bulletin is effective upon adoption hereof, to remain in force and effect until revoked, modified or amended.

Date: _____

ARCHITECTURAL CONTROL COMMITTEE

HOA BOARD OF DIRECTORS CONCURRENCE

Policy signed - doc to be added