

Asbury Park Homeowner's Association, Inc.

FENCE GUIDELINES

The ACC is providing the following set of guidelines, which are intended as guidelines only, to assist Owners within the Asbury Park Homeowner's Association Inc. in determining the appropriate type, size, and location of proposed fences.

All owners of Lots within the Asbury Park Homeowner's Association Inc. are strictly required by the declaration of Protective Covenants for Asbury Park Homeowner's Association Inc. ("Declaration") to obtain the prior written consent of the ACC before installing any fence or fence-type barrier of any kind upon a Lot. All applications to the ACC are governed by the declaration, which provides that no exterior construction, including the installation of fences, shall be made unless plans and specifications showing at least the nature, kind, shape, height, materials, and location shall have been submitted in writing to and approved by the ACC. The ACC is responsible for making the final determination on the installation of all fences.

- a) No front yard of any Lot shall be fenced
- b) No chain link fences shall be installed on any Lot. All fences shall be constructed of wood, a non-composite, or PVC only. All wood materials shall be of a type generally utilized for the purpose of fence construction (i.e., oak, pressure treated pine, cedar, etc.)
- c) No fence shall be greater than six (6') feet in height nor less than three and a half (3 ½') feet in height.
- d) All fences shall have a uniform pattern along the top line (i.e., dog eared, scalloped, bordered lattice, etc.)
- e) All framing shall be installed to the interior of the fence, such that the framing is not visible from outside the lot.
- f) All fences must have stained or painted finish, which finish must conform to the subdivision, in Colonial style colors or earth tones. No unusual colors, as determined by the ACC, will be permitted. All fences must be regularly maintained by staining, sealing, or painting. No fence shall reach a state of disrepair. The homeowner understands and agrees that final approval for a fence is conditioned upon the owner properly maintaining that fence and the Owner agrees to comply with future request of Directors to do so.

- g) All fences must be installed within the boundaries of Lots to conform with all governmental setback and other regulations, if any, as well as any requirements of the Declaration or the recorded Plats for Asbury Park Homeowner's Association Inc. Maintenance of the exterior face of the fences should be considered by owners when determining the precise location of the fence within the property lines.
- h) No fence shall be installed forward more than the rear corners of a home, however, variances may be granted, in the sole discretion of the ACC, to allow access to a side door, enclose an air conditioning condenser unit, or similar items.
- i) Any boundary disputes shall be resolved between the disputing Owners, and shall not be the responsibility of the ACC or the Association.
- j) Corner Lot are a special situation. Corner Lots are considered to have two front yards, therefore from yard rules apply to the yard adjacent to both adjacent streets on corners Lots. As a general rule, fences are not allowed in front yards due to fence construction being prohibited forward of the rear corners of the house. However, consideration may be given by the ACC to the back yard fenced area yielded after rear corners are used and whether the house is situated square with the streets or diagonally placed. The ACC may also consider which street the house faces for address purposes and what appearances result from the other street side. In any event, the fence should be no closer to the side street than the building setback line required by the development plans of the subdivision.

The approval by the ACC of any fence installation shall in no way constitute a waiver of the ACC's right to withhold approval of similar proposals later submitted to the ACC, and the ACC retains the right to disapprove of any fence application for any reason, including, but not limited to, aesthetic considerations, uniformity of appearance in the community, visibility limitations, safety concerns, and impact on adjacent properties. The ACC further reserves the right to grant variances from these guidelines.

THE FOREGOING FENCE GUIDELINES ARE INTENDED AS GUIDELINES ONLY AND ARE MERELY FOR THE CONVENIENCE OF OWNERS. ALL OWNERS MUST OBTAIN THE PRIOR WRITTEN APPROVAL OF THE ACC BEFORE INSTALLING ANY FENCE UPON A LOT.