

AFFIDAVIT FOR FILING DEDICATORY INSTRUMENTS

STATE OF TEXAS )
COUNTY OF MONTGOMERY )

KNOW ALL BY THESE PRESENTS:

WHEREAS section 202.006 of the Texas Property Code requires that a property owners' association file its dedicatory instruments in the real property records of the county in which the property is located, and

WHEREAS the Clear Creek Forest Subdivision Sec 13 Property Owners Assn is a property owners' association as the term is defined in the Texas Property Code and has property located in Montgomery County, Texas,

NOW THEREFORE, true copies of the following dedicatory instruments of the Clear Creek Forest Subdivision Sec 13 Property Owners Assn which have not been previously filed in the public records of Montgomery County are attached hereto, including:

Architectural Control Committee

FURTHER, other dedicatory instruments of the Clear Creek Forest Subdivision Sec 13 Property Owners Assn have already been filed in the public records of Montgomery County and these documents supplement the previously filed documents.

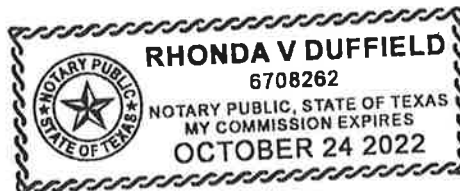
SIGNED on this 19th day of February, 2020.

Signature: Valerie Lehr
By: Valerie Lehr
Title: C.I.A. Services, Inc., Managing Agent for Clear Creek Forest Subdivision Sec 13 Property Owners Assn

STATE OF TEXAS )
COUNTY OF MONTGOMERY )

This instrument was acknowledged before me on this 19th day of February, 2020 by Valerie Lehr.

Signature: Rhonda V Duffield
By: Rhonda V Duffield
Title: Notary in and for the State of Texas
My commission expires on 10/24/22



Return to C.I.A. Services, Inc.
8811 FM 1960 Bypass Road, Suite 200
Humble, Texas 77338-4023

# CLEAR CREEK FOREST SECTION 13 ARCHITECTURAL CONTROL COMMITTEE

## Fencing Standards

10/16/2003

### I. INTRODUCTION

#### A. Purpose

The express purpose of the Clear Creek Forest Section 13 Fencing Standards is to establish practical guidelines for fencing structures which will enhance the value of an owner's property and are compatible with the natural environment, without diminishing the appeal of adjacent properties. The underlying principle guiding the implementation of these guidelines is contained in the published Architectural Control Guidelines: "...to establish and preserve a harmonious and aesthetically pleasing design for Clear Creek Forest Section 13..."

#### B. Applicability

These standards are applicable to all new fencing on all restricted residential property within the Clear Creek Forest Section 13 Property Owners' Association properties. Acceptable standard fence designs and types are defined and identified herein. **All** fence construction requires a Construction or Additions/Modifications Plan Review Request, as applicable, **pre-approved** by the Architectural Control Committee (ACC).

#### C. Pre-Existing Structures

Except as noted in Section I.E below (Maintenance), existing fence installations **previously approved by the ACC under the fencing guidelines in force at that time of approval** shall be exempt from the standards, requirements and conditions set forth herein.

#### D. Construction Standards

All fencing construction, whether constructed by the property owner or a selected contractor, must adhere to professional standards of appearance, structural integrity, and durability.

#### E. Maintenance

Existing and newly constructed fencing structures shall be maintained in good repair, as required by the Deed Restrictions. Property owners should insure that all fencing structures are maintained so as to conform to the original plans and specifications approved by the ACC.

### II. Definitions

#### A. Intended Use

1. Identity or perimeter fencing establishes property boundaries.
2. Privacy fencing is used for the purpose of concealing personal areas or to screen-out high use or unsightly areas from public view.
3. Security fencing provides the property owner control over access to an area.
4. Utility fencing accommodates a particular need, such as a containment of animals.

#### B. Fence Types (designated by degree of openness)

1. **Transparent or open fencing** (>50% open), while providing lot definition and access control, offers the advantages of cost effectiveness, open views and natural ventilation.

Examples: (a) three-rail with 2" x 6" treated lumber or vinyl rails and posts; (b) 1" x 6" rail with 2"

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x 4" galvanized or vinyl wire mesh; (c) wrought iron; (d) combinations of wrought iron and masonry pilasters; (e) combinations of masonry pilasters and lumber or vinyl rails.

2. **Privacy fencing** (up to 50% open) may be used for privacy areas, generally in close proximity to a dwelling, for screening and/or security of a swimming pool, spa or hot tub area, for example; or for high activity and/or areas deemed unsightly. Examples: cedar plank, masonry, or treated lumber.

### C. Area Designation

1. **Frontage** – That property line immediately adjacent to street or road Rights-of-Way, whether to the front, side of the dwelling (in the case of a corner lot), or rear, if facing a street.

2. **Perimeter** – All other property lines not included in Frontage.

3. **Front Yard** - For an interior lot, that area from the frontage to the predominant rear line of the dwelling as determined by the ACC. For corner lots, this includes the area from the side street frontage to the nearest point of the dwelling, exclusive of garages, barns, outbuildings, etc.

4. **Rear Yard** – For an interior lot, that area from the rear property line to the predominant rear line of the dwelling as determined by the ACC. For corner lots, this excludes the area from the side street frontage to the nearest point of the dwelling, which is designated as "front yard".

D. **Variance** – An exception to the standards set forth herein.

### E. Exclusions

1. Temporary enclosures not in obvious view, such as portable dog kennels and round pens for horse training, shall be exempt from these standards provided that use of such facilities does not exceed 30 days. Any fencing enclosure of this type used in excess of 30 days or for which "permanent" installation is desired or intended requires approval of the ACC under the applicable provisions of these standards. Designation of a facility as a "temporary enclosure" is at the sole discretion of the ACC.

2. Enclosures, not exceeding 24" in height, used in conjunction with landscaping shall not be covered under these standards. Property owners should note, however, that such installations may be subject to other requirements outlined by the ACC or in the Deed Restrictions.

## III. GENERAL STANDARDS

ACC approval of a fencing plan or proposal shall be based on the following general criteria, standards and limitations:

### A. Site Considerations

Each fencing plan review request should address the site-specific conditions which support the selection of fence type, location, materials and finish as being appropriate for the particular proposed application and intended use.

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### B. Fence Height

1. Fence height should not be greater than is necessary for its intended use. Generally, fence heights are required to be a minimum of 4 feet and are limited to a maximum height of 6 feet, measured from nominal ground level. Enclosures in close proximity to the dwelling, to the side or rear, may not be restricted to the 6 feet height limitation if, in terms of design, materials and colors, they are considered to be an architectural extension of the dwelling and if they subscribe to all front, side, and rear building setbacks.
2. In specific cases, other than noted above, privacy fencing with heights greater than 6 feet may be approved by the ACC. For example, solid fence structures for the purpose of noise reduction, unsightly view or activity screening may exceed the height limitation. However, such applications require approval of a variance by the ACC and Board of Directors (See Section VI).
3. In all cases, the fence height at a particular location shall be defined as the distance from nominal ground level to the top of the primary fencing component, exclusive of posts, pilasters, columns and/or ornamentation. Railed fence heights, for example, shall be measured from nominal ground level to the top of the top rail or rail cap, if so equipped.

### C. Location

The placement of fencing is subject to the restrictions outlined below concerning its specific use and location.

1. All fencing, in its entirety, must be constructed within the platted boundaries of the applicant's lot(s). No fence shall encroach into any public street right-of-way, restricted open space reserve, or onto any owner's adjacent property. **A fence owner retains sole responsibility to insure that his/her fence installation is located completely within his/her property boundaries.**
2. All frontage fencing must be set back a minimum distance of 30' from the road center. Setback of frontage fencing facing a cul-de-sac turnaround must be determined on a case-by-case basis by the ACC.
3. Transparent or open fencing is recommended for most locations, subject to the Design, Specifications and Materials criteria below.
4. Except as otherwise noted in these standards, privacy fencing shall be limited to rear yard areas, subject to variance application.

## IV. Design, Specifications and Materials

### A. General Design

1. Purpose – Fencing design shall be judged adequate only if such fencing is suitable for its intended use. Any design failing to satisfy this requirement will be disapproved by the ACC.
2. Appearance – All fencing must be of appropriate appearance and appeal, enhance the security and/or value of the owner's property, and be compatible with the environment.

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3. Durability - Fencing should be designed with sufficient strength to insure that it remains plumb and true to its original alignment. The fence should be constructed of sufficiently durable materials so as to resist rust, decay and deterioration due to weather and insects.

### **B. Approved Frontage Fencing Design (Minimum 65% open):**

1. 3-rail wooden or vinyl rails and posts; all rails 6" nominal; maximum height 54".
2. Coated wrought iron or steel tubing; maximum height 72".
3. Brick or stone pilasters with vertical, coated wrought iron/steel tubing or wooden or vinyl rails attached to or adjacent to pilasters; maximum rail heights as in paragraph (1.) above.

**Note:** 2" x 4" painted, galvanized or vinyl coated steel wire mesh may be attached to inside surfaces of fence rails, posts or pilasters, but is not included in the openness calculation; however, the height of any such wire mesh installation shall be up to but not exceed the height of the primary fencing component, excluding posts and brick or stone columns or pilasters. In the case of a railed fence, for example, mesh height coincide with the height of the top rail or rail cap, if so equipped.

### **C. Approved Perimeter Fencing Design (Minimum 50% open):**

1. Same as B. above, except minimum 50% openness and maximum 72" height.
2. Wood or Vinyl 1-rail (top rail) or 2-rail (top and bottom rail) with required 2" x 4" painted, galvanized or vinyl coated steel wire mesh attached to inside of posts and rails.

### **D. Approved Front and Rear Yard Fencing Design**

1. Same as C. above.
2. Front yard fencing, such as cross fencing, shall not exceed the height of frontage fencing nor shall it additionally obstruct the view of the dwelling.
3. When appropriate, the ACC may approve site-specific designs of privacy fencing in the rear yard area without requiring variance approval, except as otherwise noted in these standards.

### **E. Animal Containment Design**

1. The ACC has latitude in considering proposed designs of animal containment fencing and structures **provided that they are restricted to rear yard area of the owner's property.** Primary considerations shall be adequacy of constraint, visibility from streets and adjacent properties, and safety.
2. Chain link fencing may be approved for use in containing aggressive dogs, such as in dog pens or dog runs, the approved size and height of which facility will be determined by the ACC based on its location and visibility, and the safety of Section 13 residents, visitors and the animals contained therein.
3. No fence design whose sole purpose is animal containment will be accepted for front yard, frontage, or perimeter fencing designs, and chain link fencing may not be used in any such areas.
4. The objections or consent, if applicable, of owners of adjacent properties shall be considered in the ACC decision to approve or disapprove of a proposed animal containment design.

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8. Steel wire mesh is considered to be an "accessory" or "attachment". The use of wire mesh, not part of an otherwise approved fencing design, is prohibited.

**J. Color and Finish**

High quality white or black paint and natural clear or stain/sealer coating products specifically formulated for wooden fence surfaces are pre-approved. Any other finishes require approval by the ACC. Coatings/paint should be applied to both sides of the fence and posts. Fences of one type material should be of one color. Wrought iron or steel tube fence materials must be properly surface treated (i.e. sandblasted), primed and coated with either white or black finish coats, or other color approved by the ACC. Brick or stone masonry in fence construction must match or be compatible with that of the dwelling (where applicable).

**V. ADDITIONAL CRITERIA**

**A. Easements**

Fence construction within any easement is performed at the risk of the owner. No fence shall be installed in such a manner as to obstruct lot drainage or to cause drainage onto neighboring properties.

**B. Face Orientation**

Any fence which by design is perceived to have a front face and a back face must be installed with the front face toward the predominant customary viewing perspective of adjacent properties, normally the outside of the lot. In no case shall the back face of any fence or portion thereof face toward street(s) or public view.

**C. Construction Practices**

Care shall be taken to assure that the construction process does not impose or encroach upon neighboring properties. Work site maintenance, material storage, etc. are subject to the requirements outlined the Plan Review Request.

**VI. Variances**

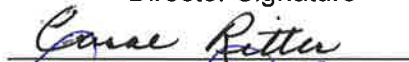


Variances with the standards and specifications outlined above must be supported based on definitive purposes and compelling or unique site-specific circumstances. Applicants should be aware that a variance application may require additional time for consideration, since variances require the approval of both the ACC and Board of Directors. **Note, however, that the Architectural Control Committee and Board of Directors reserve the right to approve or to disapprove variances.**

These standards were adopted by the ACC and approved by Board of Directors on October 16, 2003. These standards supercede all previously issued fencing standards.

Approved:

Director Signature

Date

	<u>1-21-2020</u>
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FILED FOR RECORD  
02/24/2020 02:19PM



COUNTY CLERK  
MONTGOMERY COUNTY, TEXAS

STATE OF TEXAS,  
COUNTY OF MONTGOMERY

I hereby certify that this instrument was filed in the file number  
sequence on the date and time stamped herein  
by me and was duly RECORDED in the Official Public  
Records of Montgomery County, Texas.

02/24/2020



County Clerk  
Montgomery County, Texas