



WHISPERING HILLS
HOMEOWNERS ASSOCIATION

Fence Construction
Guidelines

May 29, 2012



WHISPERING HILLS

HOMEOWNERS ASSOCIATION

Dear Whispering Hills Homeowner,

Thank you for your willingness to abide by the fencing guidelines of the Whispering Hills Homeowners Association. Homeowners desiring to erect a new or to replace an existing fence shall act in accordance with the subdivision by-laws and indentures, which stipulate a specific approval process and require the written approval of the Whispering Hills Subdivision Trustee. This document outlines how approval is obtained.

The fence guidelines are complex and some help might be needed. Feel free to ask for assistance from the Fence Committee at any time during this process.

Please leave the appropriate contact information on the proposal so that we can reach you if there are any questions.

Thank you,

John Schembri

Whispering Hills Subdivision
President and Trustee



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INTRODUCTION

This document provides background information and guidelines for preparing and submitting an application to install fences in the Whispering Hills subdivision. This information has been developed to communicate the expectations of both the homeowner and the Trustee/Board of Directors during the application and review process. These guidelines are prepared in accordance with the specific section of the governing document for the Whispering Hills Subdivision as follows:

The Indenture of Trust and Restrictions for Whispering Hills Subdivision under St. Louis County Council Ordinance No. 4187 states per:

1. Article III section 7, that the Trustees shall have the power and authority: “To consider, approve or reject any and all plans and specifications for any and all buildings or structures, fences, detached buildings...proposed for construction and erection on said lots ...it being provided that no building, structures or fences ...maybe erected... unless there shall first be had the written approval of a majority of the Trustees to the plans and specifications therefore and to the grade proposed therefore. In the event the Trustees fail to approve or disapprove within thirty (30) days after building plans or other specifications have been submitted hereunder, approval will not be required and the related restrictions shall be deemed to have been fully complied with.”
2. Article section 9, that “No fences or screening shall be erected or maintained on any lot between the building set back lines and the street upon which that lot fronts. Fences may be maintained on the other portions of lots only with written consent of the Trustees as to locations, materials used and height of fence. The decision of the Trustees shall be conclusive.”

Note that if a particular fence style is not part of the list of approved fences, but has been approved in the past, there is no guarantee it will be approved.



I. FENCE APPLICATION PROCESS

- A. Contact your Section Representative in order to give them a notice of intent. The Section Representative shall respond within 3 days. If the Section Representative does not respond, contact the alternate Section Representative or the Subdivision Trustee. (see list of Representatives and alternates)
- B. Fence packets are available at the Club House. Homeowners are responsible for completing the application and notifying their section representatives when the application has been completed and is ready for submission to the Fence Committee for review. The Section Representative and one (1) member of the Fence Committee will meet with the homeowner to review the application and complete the following task
- C. The Section Representative and one other member of the Fence Committee will meet with the homeowner to review the application and complete the following task
 - 1. Discuss the purpose of the fence
 - 2. Review the fence location plan
 - 3. Take digital photos of the site
 - 4. Take digital photos of any existing fences on adjoining properties
- D. The Section Representative will submit the completed application and forms to the Fence Committee Chairman, including notes taken during the site visit and comments from adjacent neighbors.
 - 1. Application to Install Fencing
 - 2. Fence Committee Application Recommendation
 - 3. Discussion with Neighbors Impacted by Fence Installation
- E. The Chairman in turn will sign and date the application form upon receipt. From this date, the Subdivision Trustee will have 30 calendar days to review, approve or reject each fence application. The Subdivision Trustee shall work in collaboration with the Fence Committee, the Section Representative and the applicant during this process.
- F. If a decision has not been made within the 30 calendar day period, an approval will be automatically granted. However, if additional information is required, the process will be extended by the amount of time necessary to secure the information needed.
- G. Once the review has been completed, the Section Representatives, excluding the representative in whose section the homeowner resides, will take a vote on whether to approve or deny the application as is; or to approve with modifications. The Fence Committee will forward their recommendation to the Subdivision Trustee.
- H. The Subdivision Trustee shall make the final decision considering this recommendation and notify the homeowner in writing.



II. APPEAL PROCESS

- A. If a fence application has been rejected, the homeowner will have 30 calendar days to complete and submit a Fence Appeal Form stating the basis of the appeal. Once completed, the homeowner shall contact their Section Representative, to set up a meeting date with the Fence Committee.
 - 1. The Homeowner should have received a letter with the reasons why their fence was rejected.
 - 2. The meeting must take place within 14 calendar days upon receiving the written request from the applicant.
 - 3. The Fence Committee Chairman and a minimum of three (3) Fence Committee members must be present during the meeting.
 - 4. The Homeowners Trustee in consultation with the Fence Committee will make a decision which will be considered final.

III. FENCE COMMITTEE

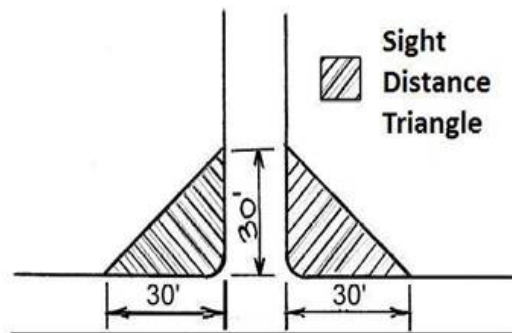
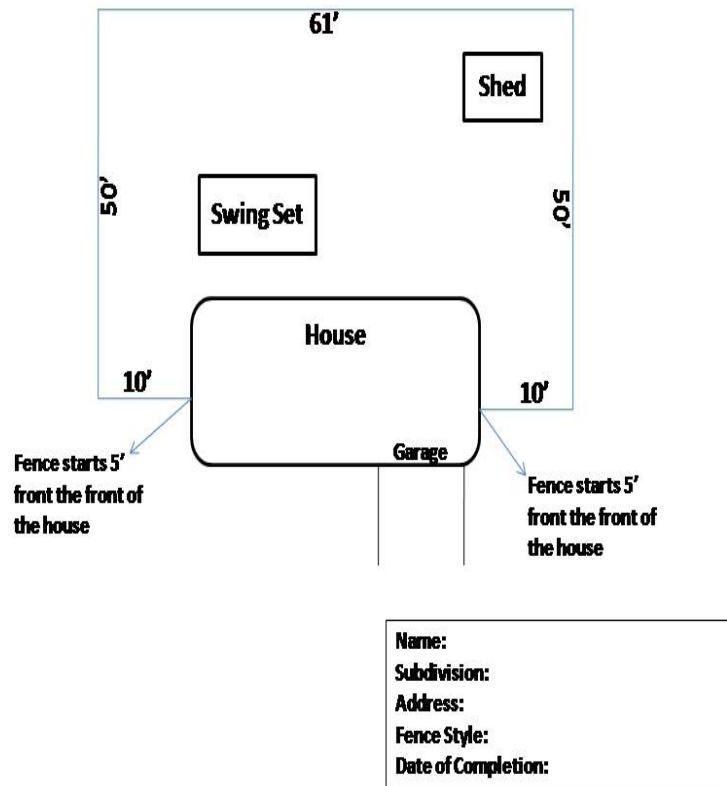
- A. The Fence Committee maintains the fence guidelines for the Whispering Hills Homeowners Association. These guidelines address a practical process and procedures, establish a plan to assist homeowners with their fence selection, develop rules for enforcing the guidelines, establish procedures to avoid abuse of the guidelines.
- B. The Fence Committee members act as intermediaries between the homeowners requesting the construction of a fence (new or replacement) and the Board of Directors and the Subdivision Trustee. Fence Committee members' duties also include the following:
 - 1. Assist homeowners with the preparation and submission of the application to request a new or replace a fence.
 - 2. Ensure that adjacent neighbors have their concerns properly addressed.
 - 3. Provide a representative voice of the subdivision as a whole in considering the approval or rejection of a fence request.
 - 4. Assist the Board of Directors and the Subdivision Trustee in reaching a fair and consistent decision.
 - 5. Ensure that the application process is managed appropriately and completed in a timely manner.
- C. The Fence Committee is composed of the Vice President of the Board of Directors, who serves as the Chairman of the Fence Committee, and the five (5) Section Representatives.:
- D. The Section Representatives are elected or reelected each year at the Whispering Hills Homeowners Association February General Membership Meeting. The Whispering Hills Subdivision Trustee may appoint an alternate in the event a Fence Committee member resigns prior to the February General Membership Meeting



IV. CONSTRUCTION OF NEW AND REPLACEMENT FENCES

- A. New fences and gates shall be approved in writing by the Subdivision Trustee.
- B. Replacement of existing fences and gates shall be approved in writing by the Subdivision Trustee.
- C. A drawing of your site plan or survey showing the details of the location and design of any fence proposed must be submitted to the Fence Committee for approval prior to construction.

SAMPLE OF DRAWING



V. GENERAL REQUIREMENTS

- A. All structural and supporting materials/columns must face toward the enclosed area or in such a manner as to present the least conspicuous view to the public.
- B. Fences shall be no greater than six feet in overall height.
- C. All fences and gates shall be on or inside the rear and side property lines and the front fence line shall be at least five (5) feet back from the front of the building (the side facing the street).
- D. The St. Louis County Property Maintenance Code states that fences located on a corner lot cannot be located within the sight distance triangle. A sight distance triangle is defined as the area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines. Barbed wired and electrical fencing is not permitted in residential areas.
- E. Barbed wired and electrical fencing is not permitted in residential areas, except for in-ground electric dog fences.

VI. GATES

- A. If gates will be constructed in a different material, specify in writing the material to be used and why this is desired.
- B. Separate dimensioned drawing(s) must be submitted for gates, and supporting columns that are not constructed with the same material as the fence.
- C. The width and approximate location of all gates is required on the Plot Plan (See Section X).

VII. FENCE MATERIAL

- A. The following is a list of approved fence building materials:
 - 1. Wood: Oak, pine, spruce, cedar, chestnut
 - 2. Metal: Aluminum, wrought iron, steel, chain link
 - 3. Plastic or vinyl

VIII. FENCE STYLES

- A. The following is a list of approved fence styles:
 - 1. Picket: Wood, aluminum or wrought iron, or vinyl
 - 2. Post and rails: 2 – 4 rails: wood or vinyl
 - 3. Chain link: Galvanized and black vinyl coated
 - 4. Board on Board: wood



IX. FENCE TYPES OR FUNCTIONS

A. The following is a list of some of the reasons why homeowners may desire to install a fence:

1. Boundary demarcation
2. Privacy
3. Pool
4. Security
5. Restrict foot traffic
6. Wind break
7. Sound barrier

X. DRAWING AND PLOT PLAN

- A. Requests for fence and gate construction must be accompanied by a neat, legible and accurate Plot Plan. All existing improvements (residence and garage, driveways, outbuildings, pools, etc.) on the property must be shown on the Plot Plan.
- B. The Plot Plan shall be modified to show the proposed location of all fences and gates.
- C. If possible, use a colored highlighter to show where the fence would be installed.
- D. Dimensions are required to describe the lengths of the fence being proposed.
- E. The approximate location, size, and type of gates must also be clearly noted.
- F. Fences and gates must start at least five (5) feet from the front of the house

XI. MAINTENANCE

- A. All fences must be kept in good repair and properly preserved.
- B. The St. Louis County Property Maintenance Code states that all fences must be kept structurally sound, with no peeling or flaking paint, and no rusted or worn finishes. Failure to abide by this ordinance may result in a violation notice to the property owner.
- C. Note that a member of the Board of Directors, including Section Representatives, may let you know that you may be in violation of the St. Louis County Property Maintenance Code.

XII. POOL FENCE REQUIREMENTS

- A. The St. Louis County has strict guidelines regarding the enclosure of above-ground and in-ground pools. Fences must meet St. Louis County safety rules. You may access these guidelines on line at www5.stlouisco.com/plan/subdivision/OrdinanceGuidebook.pdf.



XIII. APPROVED FENCE STYLES



1. Wood 3-Rail



2. Vinyl 3-Rail



3. Wood Picket



4. Vinyl Picket fence

NOTE: Various designs can be used to shape the top of the individual vertical members of the fence including the fence posts and gates. These are not limited and may include: scalloped, Gothic, cone, arrow points and flat.



XIII. APPROVED FENCE STYLES



5. Aluminum Chain



6. Black Vinyl-coated Chain



7. Painted Aluminum Picket
(Wrought Iron Style)



8. Wood privacy Board-on-Board

NOTE: Various designs can be used to shape the top of the individual vertical members of the fence including the fence posts and gates. These are not limited and may include: scalloped, Gothic, cone, arrow points and flat.



CONSIDERATIONS IN DECISION MAKING

WHISPERING HILLS HOMEOWNERS ASSOCIATION

1. Pool fences:
 - a. Does it meet St. Louis County requirements?
 - b. What type of fence? For instance, is it an open or privacy fence?
2. Security fence:
 - a. What is the nature of the concern and is it justified?
 - b. Do neighbors have the same concerns?
 - c. What kind and height of fence is being considered?
3. Safety fence:
 - a. What is the nature of the concern?
 - b. Are animals involved? If so what kind and is the fence adequate to properly contain them?
 - c. Is it adequate to prevent children from sticking their hands through to pet an animal?
 - d. Are children involved and if so what are their ages and is the fence type and height appropriate?
 - e. Are elderly persons involved and if so, is the fence intended to control their departure? Will the nature of the fence be a concern for potential injury from trips and falls?
 - f. Will there be any playground equipment near the fence, which might have an impact on the type of fence selected? (i.e. flat top – no spike points)
4. Boundary demarcation:
 - a. Island home:
 1. Are there other fences on abutting properties?
 2. If so what kind, height, material and color?
 3. Is the proposed fence of similar material, height and color?
 4. What is the visual effect of adding the proposed fence? Does it box in one neighbor?
 5. Are there any objections from neighbors?
 - b. Perimeter home:
 1. Are there other fences on abutting properties?
 2. Is the orientation of the fence such that it blocks the view of the neighboring home to the point that it would be considered objectionable?
 3. Will the fences' location near a creek or tree line cause any future instability in its structural foundations?
 4. Does the fence cross over any utility (sewer, electric or gas) easements?



HOMEOWNER APPLICATION TO INSTALL FENCING

WHISPERING HILLS HOMEOWNERS ASSOCIATION

Date Received by Fence Committee Chairman: _____

Application Expiration Date _____

1. CONTACT INFORMATION

Homeowner (Applicant) Name and Address

Telephone number(s):

Home _____

Cell _____

E-mail address: _____

2. ITEMS REQUIRED FOR SUBMITTAL

A. Property Characteristics and Potential Impacts

- ☐ Plot plan clearly delineating the following: property boundary; location of existing buildings, pool, and other permanent structures; proposed fence line; and existing adjacent fencing (if any)

Notes: _____

- ☐ GATES (Separate dimensioned drawings must be submitted, including supporting columns that are not constructed with the same material as the fence. Include the width and approximate location of all gates.

Notes: _____



☐ Number Of Adjacent Properties Impacted By Fence: _____

☐ Possible Impacts

(for example, neighbor may be unable to access a hedge or existing fence to do trimming or painting, etc.)

Notes: _____

☐ Does the fenced area abut a creek, wilderness area, or common ground?

☐ Yes ☐ No

☐ Does the fence cross or lie within a utility company's declared easements or right-of-way?

☐ Yes ☐ No

B. Fence Characteristics

☐ Description of proposed fence materials (provide photograph or vendor)

Materials: _____

☐ Proposed fence height (6 feet or less): _____

☐ Fence type (ie, picket, chain link, etc.): _____

☐ Color or shade of fence (i.e., If wood—natural, treated, or stained): _____

☐ Fence to be installed by: ☐ Self ☐ Contractor

Fence function (especially if outside of the guidelines): _____

☐ Additional information to be considered for review: _____



FENCE COMMITTEE RECOMMENDATION

1. SITE VISIT WITH APPLICANT (2 Members Minimum)

Completed By _____

Date Of Site Visit: _____

2. DISCUSSION WITH NEIGHBORS,

☐ Yes ☐ No (If Yes, Comments Attached Separately.)

3. FINDINGS

☐ Application Approved As Submitted

☐ Application Approved With The Following Modifications Or Clarifications:

A. _____

B. _____

☐ Application Approval Delayed, Pending Submittal Or Clarification Of:

A. _____

B. _____

☐ Application Denied. Reasons:

A. _____

B. _____

SIGNATURE WHISPERING HILLS SUBDIVISION TRUSTEE

Name _____

Date _____



DISCUSSION WITH NEIGHBORS IMPACTED BY FENCE INSTALLATION

WHISPERING HILLS HOMEOWNERS ASSOCIATION

This form is to be completed by the reviewers conducting the site visit required under the application review process. Specific comments should be recorded, with emphasis on SPECIFIC objections to the proposed fence, and suggestions for changes to mitigate the objections.

Review conducted by _____

Date _____

Name _____

Address _____

Phone _____

E-mail _____

Neighbors Comments _____



**DISCUSSION WITH NEIGHBORS
IMPACTED BY FENCE INSTALLATION
WHISPERING HILLS HOMEOWNERS ASSOCIATION**

Review conducted by _____

Date _____

Location to Fence Applicant Property _____

Neighbor Name _____

Address _____

Phone _____

E-mail _____

Neighbor Comments _____



**DISCUSSION WITH NEIGHBORS
IMPACTED BY FENCE INSTALLATION
WHISPERING HILLS HOMEOWNERS ASSOCIATION**

Review conducted by _____

Date _____

Location to Fence Applicant Property _____

Neighbor Name _____

Address _____

Phone _____

E-mail _____

Neighbor Comments _____



DISCUSSION WITH NEIGHBORS
IMPACTED BY FENCE INSTALLATION
WHISPERING HILLS HOMEOWNERS ASSOCIATION

Review conducted by _____

Date _____

Location to Fence Applicant Property _____

Neighbor Name _____

Address _____

Phone _____

E-mail _____

Neighbor Comments _____



APPEAL OF FENCE APPLICATION DENIAL

WHISPERING HILLS HOMEOWNERS ASSOCIATION

Refer to the Fence Guidelines, Section II- Appeal Process

This form is to be completed by the applicant to appeal the denial of a fence application by the Trustee, and submitted within 30 days following notification of the denied application. This form should be submitted to the Trustee, who will then initiate the review process.

Name _____

Date _____

Address _____

Phone _____

E-mail _____

BASIS OF APPEAL:

Please provide specific information to address the reason given for denial of the application, or provide additional information to be considered by the Trustee. Additional documentation or pages may be attached.

Fence Committee Chair _____

Review Meeting Date _____

Fence Committee Members on Review Panel (*three required*):

TRUSTEE RECOMMENDATION ☐ APPROVED ☐ DENIED

SIGNATURE WHISPERING HILLS SUBDIVISION TRUSTEE

Name _____

Date _____

