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Filed for Record in
BARTHOLOMEW COUNTY, IN
ROSALYN C NORMAN
On 12-08-1998 At 09:43 am.
AMENDMENT 15.00

FIRST AMENDMENT TO
DECLARATION OF COVENANTS OF
TERRACE WOODS SUBDIVISION

This First Amendment To Declaration of Covenants is made by the undersigned, Cornerstone Development Company, LLC, hereinafter also referred to as "Developer".

WHEREAS, there is a certain DECLARATION OF COVENANTS OF TERRACE WOODS SUBDIVISION dated August 27, 1997, executed by Cornerstone Development Company, LLC, said declaration having been recorded August 27, 1997, as Instrument Number 97-10497 in the Office of the Recorder of Bartholomew County, Indiana, that apply to lots 1-20 in Terrace Woods Phase I and pursuant to the SUPPLEMENTARY DECLARATION OF COVENANTS OF TERRACE WOODS SUBDIVISION executed by Cornerstone Development Company, LLC, on July 2, 1998, and recorded on July 6, 1998, as Instrument Number 98-10748 in the Office of the Recorder of Bartholomew County, Indiana, said covenants also apply to Lots 21-24 and Lots 57-80 in Terrace Woods, Phase 2.

WHEREAS, ARTICLE X, Section 4 of said Declaration of Covenants provides that said declaration may be amended by an instrument signed by the Developer or its successor or assigns so long as the Developer or its successor or assigns continues to own any lot in Terrace Woods, and Developer does own lots in Terrace Woods at this time.

WHEREAS, Developer desires to partially amend said Declaration of Covenants.

NOW, THEREFORE, Developer hereby amends said Declaration of Covenants as follows:

1. ARTICLE IX, Section 8. Yard Lights is deleted in its entirety, and said section shall no longer be of any further force or effect.

2. ARTICLE IX, Section 12. Pools and Hot Tubs is amended in its entirety to read as follows: Except as otherwise provided herein, no above ground pool which is more than ten (10) feet in diameter or which is more than twenty-four (24) inches deep shall

be placed or maintained on any Lot. Each above ground pool that would be permitted by the previous sentence may be located in any yard or area outside of a dwelling or garage at any time after May 15 until September 15, but at no other times. Hot tubs and spas located outside of a dwelling shall be permitted only with the prior written approval of the Committee. No in-ground pool, hot tub, or spa shall be permitted in front of a dwelling toward the street, and it must be located entirely within the rear and side building set-back lines. All pools must be enclosed by a fence with materials, style, and color as approved in advance and in writing by the Committee.


3. ARTICLE IX, Section 14. Fences is amended in its entirety to read as follows: The only fencing permitted on any Lot shall be as approved in advance and in writing by the Committee. The Committee shall consider: (1) the need and reason for the fence, (2) the location of the proposed fence in relation to the dwelling and structures on the Lot, (3) land contours and elevations of the Lot, (4) the location of dwellings on other Lots, (5) views that would be obstructed by the proposed fence, (6) design of the fence, (7) materials to be used for the fence, and (8) landscaping to be planted and maintained in conjunction with the fence. The Committee shall not be required to approve any fence.

The undersigned persons executing this FIRST AMENDMENT TO DECLARATION OF COVENANTS OF TERRACE WOODS SUBDIVISION on behalf of Cornerstone Development Company, LLC, represent and certify that they are all of the members of such limited liability company and have been fully empowered to execute and record this amendment; and that all necessary action for the making of this amendment has been taken and done.

Dated this 1ST day of DECEMBER, 1998.

CORNERSTONE DEVELOPMENT COMPANY, LLC

By: 
Steven L. Charlton, Member

By: 
George Dutro, Member

STATE OF INDIANA)
) SS:
COUNTY OF BARTHOLOMEW)

Before me, a Notary Public in and for said county and state, personally appeared Steven L. Charlton and George Dutro, the members of Cornerstone Development Company, LLC, who acknowledged the execution of the foregoing for and on behalf of Cornerstone Development Company, LLC, and who, having been duly sworn, stated the representations therein contained are true.

Witness my hand and notarial seal this _____ day of _____, 1998.

Annette Hardin
Signature

Annette Hardin, Notary Public
Printed Name

My Commission Expires: 4/16/2001

County of Residence: Bartholomew

This instrument prepared by James K. Voelz, Attorney at Law, 427 Washington Street, P.O. Box 544, Columbus, Indiana 47202-0544, Telephone: (812) 372-1303.

FILED

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Vernon Jewell
Auditor Bartholomew Co., Indiana

TERRACE WOODS FENCE DESIGN GUIDELINES

OBTAINING APPROVAL

In accordance with the covenants attached to all properties in the Terrace Woods community, approval must be obtained from the Terrace Woods Design Review Committee ("the Committee") prior to the construction, modification, or enlargement of any fence or screen.

Residents planning construction of any fence, wall, privacy screen or landscape screen are encouraged to first meet with a member of the Committee to discuss the design review and approval process. Though this guideline provides basic guidance for a variety of fence types and owner needs, each lot is unique. An initial discussion will be a helpful first step in identifying the best solutions for your lot.

If proposing a fence:

1. Prepare a scaled site plan showing fence location and indicating the type and color of fence as selected from the fence guidelines below.
2. Obtain consent of adjoining property owners if the fence is being proposed along property lines or within City setback lines (usually 5 feet from a property line).
3. Submit application to the Terrace Woods Community Association Office for Committee review.

THE BASIS FOR FENCE DESIGN GUIDELINES

The purpose of the Terrace Woods design guidelines is the protection of property values throughout Terrace Woods. The guidelines address this issue by restating a set of values pertaining to the built environment of Terrace Woods that are believed to be commonly held, and systematizes a set of constraints consistent with those values pertaining to the design and construction of fences.

The goal of these fence design guidelines is to establish an enforceable community wide policy regarding private residential fences that considers the following:

- a) The overall spatial and viewshed characteristics of Terrace Woods
- b) The harmonious relationship of fences to individual houses and adjoining properties.
- c) A reasonable accommodation of the privacy and security needs of individual households.
- d) A reduction in conflict between individual needs for privacy, security, and self expression and community needs for a set of shared aesthetic and social values.

In consideration of the above, all lots have been designated social or openly visible lots, except Lots 75 thru 89. Any fencing on a social or openly visible lot is restricted to Privacy Screens and/or Low Child or Pet Containment Fences, unless a Swimming Pool Enclosure is required.

FENCE TYPES ACCEPTABLE

Swimming Pool Enclosures

Swimming Pool Enclosures for all lots must be a five (5) foot high black "wrought iron look" aluminum fence, except Lots 75 thru 89. Swimming pool enclosures for Lots 75 thru 89 (lots on the north side of Jonathan Ridge) can have either a five (5) foot high black "wrought iron look" aluminum fence or a five (5) foot high white solid vinyl fence. However, if a pool safety cover is installed, which meets all State, County and City requirements for swimming pools, a minimum 42 inch high fence will be required. If the pool area is visible to adjoining lots and/or a street, landscaping will also be required to screen the view.

Privacy Screens

Privacy Screens are limited to screening the views of a patio or hot tub area and must be a maximum 6 foot high vinyl fence or approved landscaping. Landscaping is a preferred alternative. Screened areas are intended to be for small areas of the rear yard only, not the screening of the entire rear yard. Screened areas should not exceed approximately 150 square feet. If a Privacy Screen is to be installed on a corner lot, the maximum length of Privacy Screen facing the street is limited to 12 feet.

Low Child or Pet Containment Fence

Low Containment Fences must be a maximum 4 foot high black "wrought iron look" aluminum fence. Low containment fences are allowed on any lot, but should be used selectively to enclose small areas of the rear yard only and typically should not extend past the main structure of the house.

FENCE STANDARDS

- **Swimming Pool Enclosures** are to be black "wrought iron look" aluminum style fence or where allowed Lowe's Freedom "Estate Style" vinyl fence or approved equal with post tops to be "Bevel". Color is to be white.
- **Privacy Screens** are to be landscaping or Lowe's Freedom Vinyl "Estate Style" vinyl fence or approved equal with fence post caps to be "Bevel". Color can be white or tan to match house trim.
- **Low Child or Pet Containment Fences** are to be black "wrought iron look" aluminum fence only.

DESIGN AND LOCATION STANDARDS

- Fences and screening are permitted in rear yards only.
- Landscaping is a preferred alternative and/or a supplement to fencing.
- Consideration must be given to the impact a fence will have on adjoining properties.
- The design should be compatible with the design, scale, massing, and materials of the house with which it is associated.
- The size and shape of the lot, as well as its relationship to adjoining properties will be a consideration in most fence designs. A fence may be more desirable on a small lot; however, consideration must be given to possible loss of views, ventilation, and a feeling of open space. Conversely, while a fence may have less impact on a large lot, excessive fencing may compromise the character of the neighborhood.
- Plant material should always be considered as a necessary complement and softening of fence structures. As an example: Any privacy fence that is constructed near common lot lines or visible from public streets, sidewalks, or common areas should be concealed or veiled by appropriate plant material to reduce its visual impact on the overall landscape. Consider use of deciduous plant material, rather than exclusively evergreen, to present a more seasonally varied landscape, one that reflects the reduced need for privacy in the winter, and the increased need for light in adjoining spaces.

FENCE/SCREEN INSTALLATION

- Location and design must be approved by the Committee prior to installation.
- If neighbor gives permission can install on property line, if neighbor does not give permission must install a minimum of 5 foot setback.

Board Approved Policy 4/08