

BROOKGREEN FOREST

Architectural Standards

AND CONTROL SPECIFICATIONS

HOMEOWNER GUIDELINES

Revised November 20, 2018

The overall purpose of this document is to serve as a guide to Brookgreen Forest Homeowners to maintaining and enhancing the neighborhood for all residents.

Change Log

November 20, 2018

- Section V.f.i amended; reverting to prior language
 - Previous Language
 - Unlicensed or disabled vehicles shall be parked only within an enclosed garage. Boats, trailers and campers (recreational vehicles) shall be parked only within and enclosed garage or on parking pads as approved by the Association or in the rear of yards, as approved by the Association. The approval will be based on screening boats/trailers from view and at the discretion of the board.
 - Updated Language
 - No industrial or commercial type vehicles, tractors or inoperable automobiles, as well as boats may be regularly parked outside on the lot.
- Section V.o amended; reverting to prior language
 - Previous Language
 - A property may only have one storage building existing on the property
 - Storage buildings must be permanent structure (i.e. stick built; not metal or rubber) and must match the color and design of the house on property
 - All storage building structures must be in the back yard behind the home.
 - the offset off of the property line must follow Town of Cary regulations
 - design and plot of new storage buildings must be submitted to the Architectural Standards Committee
 - No outbuilding/shed will be greater than 8 ft. X 10 ft. and not higher than 8 ft sidewalls with a pitched roof. The entire structure may not be higher than 10 ft from the ground level of the foundation of the home/dwelling.
 - Updated Language
 - A property may only have one storage building existing on the property
 - Storage buildings must be permanent structure (i.e. stick built; not metal or rubber) and must match the color and design of the house on property
 - All storage building structures must be in the back yard behind the home.
 - the offset off of the property line must follow Town of Cary regulations
 - design and plot of new storage buildings must be submitted to the Architectural Standards Committee

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II. PURPOSE AND POLICY

The Architectural Standards and Control Specifications (hereafter referred to as the Standards) were established by Article IX of the Brookgreen Forest Homeowners Association Covenants and Restrictions. Their primary purpose is to preserve and maintain the property values and the natural beauty of the development. Article VIII also establishes the Architectural Review Committee **with final approval authority given to the Board of Directors.**

It is part of the charter of the Architectural Review Committee to maintain consistent standards while remaining flexible and open-minded to changes in our community and our lifestyles. This standard is intended to be a dynamic document that allows for individual creativity of design, with each request being reviewed on its own merits. The aesthetics of the modification will be a primary consideration of the Committee.

The committee is restricted to three members with volunteers solicited during the annual homeowners meeting. The Architectural Review Committee (ARC) meets as needed and when requested. The purpose of the committee is to review the architectural standards, maintain these guidelines and serve as a resource to the homeowners for requested changes.

III. RESPONSIBILITIES

THESE ARE THE RESPONSIBILITIES OF ALL PARTIES AS THEY RELATE TO THE ARCHITECTURAL STANDARDS AND CONSTRUCTION SPECIFICATIONS.

HOMEOWNERS

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the Community Management Organization (CMO) in accordance with the requirement of this Standard. Each homeowner is responsible for adherence to these policies, to decisions made by the Architectural Review Committee and the Board of Directors, and to report any problems or violations to the Community Management Organization.

BOARD OF DIRECTORS

The Board of Directors is composed of volunteers elected by the homeowner association to preside over community business. It is responsible for reviewing all architectural requests where the architectural review committee is unable to reach a unanimous decision, as well as making decisions about violations and related penalties or legal remedies, along with final interpretation of the Covenants and restrictions. The Board of Directors reserves the right to enforce all Town of Cary ordinances, as its own. The Board may also be consulted for clarification of Covenants and guidelines.

ARCHITECTURAL REVIEW COMMITTEE

The Architectural Review Committee (ARC) is responsible for reviewing requests, making site inspections (both before and after the modifications), and making recommendations to the Board of Directors. It is also the responsibility of the Architectural Review Committee to keep this document updated on a regular basis. The ARC will respond to and approve/disapprove all requests within 30 days of submittal. A unanimous decision is required on all submittals. If the ARC is unable to come to a unanimous decision, the Board of Directors will review the submittal.

COMMUNITY MANAGEMENT ORGANIZATION

It is the Community Management Organization's responsibility to collect all architectural request forms submitted, and to do an initial screen to assure completeness. Incomplete forms will be immediately returned to the homeowner. Completed submittals will be distributed to the Architectural Review Committee in a timely manner. The Community Management Organization (hereafter referred to as CMO) also acts as the clearing house for problems or concerns which anyone may have in our development. CMO then channels these messages to the appropriate committee. CMO is also responsible for sending the Architectural Review Committee and/or the Board of Directors' response for each complete submittal that was received to the homeowner.

IV. GUIDELINES

It is the interpretation of the Brookgreen Forest Homeowners Association Board of Directors that the provisions of Article VIII apply to a wide variety of aesthetic considerations in the community. Every attempt has been made to include in this Standard those considerations which have the potential to impact property values. Suggestions for improvement of this document should be submitted to the CMO.

The following are examples of the types of changes, additions or deletions that would either (1) require submittal of an Architectural Request Form, (2) not require a submittal, or (3) are prohibited.

While every effort has been made to identify all aspects of change, the homeowner who has doubt if his/her situation is adequately addressed should contact the CMO for guidance.

NOTE: It must be recognized that the submittal/approval process is administrated by volunteers on their own time (nights and weekends) and is inherently lengthy. Architectural requests are reviewed electronically as received and a response is provided to the CMO within thirty (30) days. It is imperative therefore, that each homeowner plan in advance and allow for the process time required.

Throughout this document the term “changes” shall include additions and deletions.

- A. Types of Changes Which Require Submittals
 - a. Changes to the exterior of the home, such as:
 - i. Addition of:
 - 1. Awnings
 - 2. Decorative lighting
 - 3. Solar collectors
 - ii. Appearance, such as:
 - 1. Color
 - 2. Materials (such as siding)
 - b. Other exterior changes, such as:
 - i. Buildings
 - ii. Decks and patios
 - iii. Driveway extensions and parking pads
 - iv. Enclosures
 - v. Fences
 - vi. Hedges and screen plantings
 - vii. Landscaping
 - viii. Mailboxes
 - ix. Parking
 - x. Poles, free-standing
 - xi. Recreation or sport equipment
 - xii. Signs
 - xiii. Structures
 - xiv. Swimming pools and hot tubs
 - xv. Tree removal – live
- B. Specific Changes Which Do Not Require a Submittal:
 - a. Basketball goals attached to a garage
 - b. Flower boxes which meet color requirements
 - c. Minor landscaping
 - d. Non-permanent children’s play equipment
 - e. Periodic repainting and re-staining with the existing color for maintenance
 - f. Portable pools usable only by small children
 - g. Removal of dead trees
 - h. Small, discreetly located, garden plots
 - i. Storm doors (must still meet color requirements)
- C. Specific Changes Which Are Prohibited
 - a. Animals other than household pets
 - b. Chain-link fences

- c. Commercial advertising signs
- d. Encroachment on other property
- e. Exterior antennas or “dishes” larger than 39 inches
- f. Rubber, Plastic or Metal storage sheds
- g. Parking of any type of vehicle or trailer on soil surfaces
- h. Clotheslines
- i. Pools, above ground (except portable pools usable only by small children)
- j. Unclean, unsightly, unkempt conditions which tend to substantially decrease beauty or safety
- k. Very bright colors
- l. Wire-backed wood fences

V. STANDARDS AND SPECIFICATIONS

The specifications/details listed above apply to both items requiring submittal and not requiring submittal and are those that have been identified by the Board as requiring a specification. For items detailed below, while not requiring submittal, the expectation is that this minimum detail will be met.

- a. Animals
 - i. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that:
 - ii. Dogs, cats or other household pets may be kept, provided that they are not bred or maintained for any commercial purpose, and that the owners ensure for proper walking maintenance and noise control.
- b. Clotheslines
 - i. All exterior clotheslines are prohibited.
- c. Exterior Antennas or Dishes
 - i. Nor exterior antenna, tower, disc or dish larger than 39 inches shall be erected or placed upon any lot.
 - ii. No more than two (2) satellite dishes are permitted per house.
 - iii. Satellite dishes must not be visible from the street in front of the home.
- d. Poles
 - i. Submittals for free standing poles (such as basketball goals) should include construction and installation details.
- e. Signs
 - i. Real estate signs do not require submittals
 - ii. Garage/yard sale signs do not require submittal if they are removed no later than one day after the sale.
 - iii. Political campaign signs that meet the requirements of Cary’s ordinances do not require approval if they are removed within one week after Election Day.

- iv. Commercial advertising signs are prohibited.
- f. Parking
 - i. No industrial or commercial type vehicles, tractors or inoperable automobiles, as well as boats may be regularly parked outside on the lot.
- g. Driveways and Parking Pads
 - i. No parking of motor vehicles, boats, trailers, camping trailers and recreational vehicles on soft surfaces
 - ii. Driveways and vehicle parking pads shall be concrete only. Any other type of pad (i.e. brick, stone, etc.) shall be reviewed on an individual basis. Aggregate base, thickness, reinforcement, etc., should comply good construction practice.
 - iii. Particularly close attention must be paid to structure placement, setbacks, and encroachment due to the size of most lots in Brookgreen Forest.
 - iv. When submitting requests for the parking of any item, be sure to specify attributes such as height, length and weight.
- h. Storage
 - i. No trade materials or inventories may be stored out on residential lots.
 - ii. Temporary storage of materials for modifications projects should be discreetly placed and orderly maintained.
- i. Swimming Pools
 - i. In ground pools must meet local code standards for safety including fencing.
 - 1. Fencing style must meet guidelines
 - ii. Above ground pools are prohibited.
 - iii. Portable pools usable by small children are pre-approved.
 - iv. Pools must meet setback requirements.
- j. Trees
 - i. The removal of a live tree requires approval unless the tree is less than six inches (6") in diameter at a height above ground of four feet (4") and/or not in a required buffer area.
 - ii. Removal of dead trees does not require submittal, regardless of size. It is the homeowner's responsibility to assure the tree is dead.
- k. Landscaping
 - i. Landscaping of a minor nature such as naturalizing an area of yard and adding shrubs, flowers, trees, etc. need not be submitted for approval. These are considered normal improvements and are strongly encouraged.
 - ii. Other types of landscaping represent more significant projects that may be structural, have an impact on adjacent property, or require strong aesthetic consideration, and will require submittal:
 - 1. Retaining walls
 - 2. Drainage, swale, and runoff: careful consideration should be given to landscaping that will regulate current drainage/runoff to adjoining property. Details should be contained in submittals.
 - 3. Garden plots. Small, discreetly located garden plots need not be

submitted. Large plots in public view with tall crops (i.e. corn) should be submitted with details of screening.

4. Ornaments/figurines to be placed in public view (front yards, corner lots etc.) should be submitted with a picture. This applies to permanent placements like bird baths, etc., not to seasonal visuals (Halloween, Christmas, other seasonal holidays)

I. Hedges and Screen plantings

- i. No hedge or screen planting shall be erected or permitted to remain on any lot closer to the front line than the front of the house.
- ii. Hedge or screen plantings which form a barrier between properties should have:
 1. Concurrence of the adjoining property owner.
 2. Agreement for maintenance access.
 3. Setbacks to allow for plant growths

m. Decks and Patios

- i. The Board encourages creative designs and patterns for decks and patios, particularly in replacement of existing building supplied components.
- ii. There are no predetermined styles in this document for decks or patios
- iii. Deck Materials
 1. Deck materials are generally pressure treated wood.
 2. The types and treatment of wood shall be like that of fences.
 3. Posts may be of brick, pressure treated pine or other suitable material.
- iv. Patio Materials
 1. Concrete slabs, smooth finish or with exposed aggregate. Must be screened with landscape. Include landscape plan in request.
 2. Bricks, with sand fill or grout.
 3. Stone, with sand fill or grout.
- v. Height of decks, arbors, and screens
 1. Decks should be of a reasonable height for their intended purpose.
 2. Arbors should be no higher than eight feet above the deck surface.
 3. Free-standing deck screen (e.g. lattice) shall not exceed six feet in height.
 4. Screens as part of an arbor may extend to the arbor.

vi. Location

1. Patios should be located behind the house, but may extend beyond, around corners, or freestanding in other areas of a backyard.
2. Decks shall not extend outward beyond the rear corners of the building

- line.
 - a. Special cases may require an exception to this rule and will be determined after a site visit.
- 3. Obstruction of views or breezeways of adjoining properties will be given consideration in all cases.
- n. Enclosures (screened porch, sunrooms, etc.)
 - i. Like other structures, enclosures should be designed and constructed for aesthetic compatibility and preservation.
 - ii. Enclosures will have to comply with Cary's building code, which requires a building permit.
- o. Outbuildings/Storage Buildings
 - i. A property may only have one storage building existing on the property
 - ii. Storage buildings must be permanent structure (i.e. stick built; not metal or rubber) and must match the color and design of the house on property
 - iii. All storage building structures must be in the back yard behind the home.
 - iv. the offset off of the property line must follow Town of Cary regulations
 - v. design and plot of new storage buildings must be submitted to the Architectural Standards Committee
- p. Materials and Colors
 - i. Periodic repainting and re-staining with the existing color for maintenance does not require submittal.
 - ii. Only exterior materials comparable to those on existing structures and compatible with the architectural character of the community will be approved.
 - iii. Brick will remain unpainted except to match painted brick house color.
 - iv. Color changes
 - 1. Keep all colors low in intensity (saturation or chroma).
 - 2. Colors must not clash with the colors of the homes in the immediate vicinity.
 - 3. Actual color samples must be included with a request for a color change.
- q. Play Equipment
 - i. Children's play equipment (such as swing sets, forts, jungle gyms, climbing equipment, etc.) must be located behind the house.

VI. MAINTENANCE

It is the primary responsibility of each homeowner to maintain his/her property in a way that

does not detract from the overall beauty of the community. It is hoped that each and every homeowner will take this responsibility seriously, as this can severely affect the value of all properties.

Following is a list of areas that should be reviewed on a regular basis to insure that your home is in good repair:

- Shrubbery, trees and lawns
- Driveways and sidewalks
- Decks
- Fences
- Playground equipment
- Roofing
- Paint and Stain
- Garbage Can Storage
- Deterioration

If at any time, the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community; the Architectural Review Committee will be requested to make a site inspection. They will make recommendations to the Board of Directors.

Based on the severity of the deterioration, the homeowner will be given a specified length of time to make the necessary repairs. If after that time, the repairs have still not been made, the Board of Directors has the obligation of the enforcement described in Section IX of this Standard.

VII. PROCESS

Changes, additions or deletions that have been previously identified as requiring submittal, or that the homeowner believes may require submittal, shall follow the process described in this section. The process will be the same for all submittals with the required details varying depending upon the type of change.

Reminders

- No construction shall begin without Architectural Review Committee approval of the submittal.
- Failure to submit an Architectural Review Request prior to commencement of change may result in a fine of up to \$100.
- No Town of Cary Building Permit shall be applied for prior to receiving Architectural Review Committee or Board of Directors approval.
- Allow enough time for processing and approval in planning for construction.

A. Planning and Preparation of Submittal

- a. Using this specification, determine if a submittal is required. If yes, continue.
- b. Prepare the Architectural Review Form (copy found on BGF website or available from the CMO) and attach any drawings, sketches and supplemental documents for the Architectural Review Committee and Board of Directors review. A complete submittal will FULLY describe/depict the change and stand on its own without need for further explanation or clarification.
- c. Sign the form.
- d. Present the complete submittal to all adjoining property owners or neighbors who may be visually impacted by the change, and obtain their signatures. This signature only reflects that each neighbor has been the complete submittal. It is NOT an approval of the submittal.
- e. Only after completing steps a-d above, present to submittal to the CMO. The CMO will perform an initial review of the submittal for completeness and legibility. Incomplete or illegible submittals will be returned immediately to the homeowner.

- f. The ARC reviews all submissions upon receipt and the homeowner will receive a response within 30 days of submission. Homeowners are encouraged to plan accordingly. Work shall not begin until approval is received.

B. Details for submittal

In some cases, many attributes or details of a proposed change, addition or deletion as required for the Committee and Board to make sound responsible decisions. In other cases, the nature of the change will be simple and straightforward, as will be the submittal. The following items should be used as a method of describing or visually depicting the respected change (as applicable).

- a. Pictures, magazines cutouts, etc.
- b. Color chips
- c. Plot plans – top down drawing showing location of existing structure(s), property boundaries in relation to adjoining property(s), and location of proposed change (s).
- d. Elevation drawings – a side view that will show height, topography of land, and visual image of the change.
- e. Written description of the types to be used or a contactors bill of material.
- f. Written and/or visual depiction of construction details.
- g. Location for building material storage during construction, soil disposal plan, drainage plan, and landscaping or re-vegetation plan (as applicable).
- h. Any other aids that will assist the committee and Board of Directors in their review.

Drawings need to be to scale to show relationship to location, height, etc., with the dimensions clearly marked on all drawings. For major construction projects, such as additions, sunrooms, dormers, etc. that a hired contractor is used for, the design drawing should suffice, showing roof lines and other such detail.

C. Architectural Review Committee Review

- a. CMO will forward copies of all submittals to the ARC and retain copy for file.
- b. ARC will review the submittal as received within 30 days of receipt. If a site visit is required, any additional observations made by ARC member will be added and shared with all members of the ARC. Any feedback or comments made by adjoining property owners will be reviewed and taken into consideration.
- c. The submittal will be voted upon by the committee, with their recommendations for approval or disapproval forwarded to the CMO for communications to the Homeowner.

D. Board of Director Review

- a. The Board will vote on each submittal in question or disapproved.
NOTE: Disapproval may be on any grounds and the details will be communicated to the homeowner by the Board.

- b. CMO will complete a standard response letter including the Board’s decision, and will mail it within five (5) business days.
 - c. Approval of any submittal or portion thereof does not ensure approval of similar submittals, as each submittal will be considered on its own merits.
 - d. A proper submittal approved by the ARC is similar to a contract to comply with the specific details. Alterations/deviations of significant nature will require an additional submittal.
- E. Time Frame for Construction
- a. Construction should begin at the indicated start date or within three months after date of the written approval by the ARC/Board of Directors. Work must be completed within six months after the construction begins, unless an extension is requested and granted.
 - b. Approval for projects that are not begun as specified above will lapse, and the applicant must resubmit the proposal or a written request for extension to the Board of Directors.
- F. Appeals/Re-submittals
- a. Owners who receive disapproval with regard to their architecture application have the right to appeal to the Brookgreen Forest HOA Board of Directors. The appeal must be sent in writing to the community management company. The community management company will place the appeal, in most cases, on the agenda of the next scheduled board meeting.
 - b. Re-submittals are required if: (1) the project start and finish dates have passed; (2) you amend the approved project in any way; (3) if you are disapproved and would not be asking for an appeal; and/or (4) at the request of the Association.
- G. Inspection

The Architectural Review Committee and the CMO have been directed by the Board of Directors to do on-site inspections to assure compliance with approved submittals. Homeowners are asked to cooperate during such inspections. As a minimum, the homeowner is asked to notify the CMO within 30 days of the completion of the project. If deficiencies or significant deviations are noted, the homeowners will be notified in writing by the Board of Directors, with a response expected within 30 days.

H. Violations

Violations will be handled by the Board of Directors.

VIII. VIOLATIONS AND REMEDIES

There are essentially two types of violations that must be dealt with.

- Implementing a change, addition, or deletion without approval of a properly completed submittal, and
 - Deviation or noncompliance with an approved submittal.
- A. Homeowner Association Remedies
- a. Enforcement of this Standard is detailed in the Covenants.
 - b. Remedies include but are not limited to:
 - i. Suspension of voting rights and privileges
 - ii. Levying of penalties as approved by the Board of Directors
 - iii. Obtaining Restraining Order to prevent an action.
 - iv. Obtaining a Court Order to require the homeowner to remove a project.
 - v. Entering a property to remove a project at the homeowner's expense.
 - vi. Submitting a lien against the homeowner's property for outstanding indebtedness to the Association for nonpayment of penalties, removal fees, etc.
- B. Remedial Process

After all attempts to resolve a violation have been exhausted, including the opportunity for a hearing, the Board of Directors will select the appropriate remedy and notify the property owner of such action.

X. ARCHITECTURAL GUIDELINES FOR FENCING

It is the intention of these guidelines to allow specific types of fencing so that the homeowner has the option of creating an enclosed or semi-enclosed background.

The Architectural Review Committee (ARC) shall review all proposed fence locations and details. This review committee shall have the final approval of any fence. This committee also retains the right to grant variances. Each case shall be reviewed on an individual basis. The Board shall emphasize the development of sensitive, compatible, functional and aesthetically pleasing qualities of the fence design. Quality materials and construction methods shall be employed. The following architectural guidelines for fencing will assist the committee and protect the total development.

A. General Guidelines

1. **All fence design or proposals must be submitted to the ARC in accordance with previously noted guidelines and shall include the following:**
 - a. The proposed fence must be chosen from the approved Standard Fence Details and Specification Package.
Any deviation from the Standard Fence Details shall be submitted with a photograph, detailed section and elevations to scale, or a rendering of the proposed fence.
 - b. All proposed material types shall be stated.
 - c. A plot plan of the lot showing all existing buildings, drives, walks, natural area or specific tree locations shall be provided together with the proposed location of the fence or fences with the exact dimensions to property lines or right-of-ways. All roadway buffers shall be shown on this plan. The plot plan shall be drawn on 8 ½ X 11 sheet with a horizontal scale of 1" = 30'0".
 - d. Landscape planting plans for the purpose of screening the fencing as required along specific roadways within the development shall be submitted for review and approval. Plant types, sizes and spacing shall be described and or graphically illustrated on the required fencing site plan.
 - e. All proposed fencing shall be flagged or staked in the field for review by the ARC.
2. No fencing shall be constructed beyond the front corner of any residence.
3. No trees of significant size (3" cal. or greater) shall be removed during the installation of the fence without prior approval of the ARC.
4. Variations or deviations to the Standard Fence Details shall be considered by the ARC on a specific neighborhood basis. Design consistency, architectural compatibility, fence placement, intent and purpose shall be important factors for granting a variance.
5. All fencing along prescribed roadway buffers shall be setback from the recorded property line a minimum of 5' to allow sufficient room to install and maintain the necessary landscape screening required below.

Evergreen plant material to be planted on minimum 5'0" centers, to be installed at an initial height of 24" to 30", reaching a mature height of 48" or greater within four (4) growing seasons. This material shall be planted along the exposed or right-of-way side of the proposed fence.

6. All fencing along the interior greenway or open space buffer shall be offset from the property line 5'0"
7. All fencing shall be no higher than 48" above the natural grade, unless otherwise approved by the ARC. See Standard Detail and Specification Package,
8. **All fences shall be left natural or stained with a translucent (clear) stain to enhance the natural look of the wood. No opaque stain, paint or wood preservative shall be used that will change the color of the wood. ALL PRODUCTS APPLIED TO FENCING MUST BE APPROVED BY THE ARC.**

APPENDIX A

FENCE STYLES

Standard Fence Detail and Specification

4 Ft. Solid Board Fence – straight cut cap 6 Ft.

Solid Board Fence – straight cut cap stained 6 Ft.

Solid Board Fence – straight cut cap natural 4 Ft.

Wood Shadow Box Fence

4 Ft Wood Dog Ear, Solid Fence

4 Ft. Solid Board Fence – concave curved cap