

Architectural Standards and Control Specifications

- Of -

Brookgreen Forest Homeowners Association

Adopted 1993

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Article I – Purpose and Policy

Section 1 – Establishment

The Architectural Standards and Control Specifications (ASCS) are established by Article IX of the Brookgreen Forest Homeowners Association Covenants, Conditions, and Restrictions (CCRs). Their primary purpose is to enhance and protect the value, desirability, and attractiveness of the community, while preserving the autonomy of homeowners. 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.

It is the interpretation of the Board of Directors that the provisions of Article VIII of the CCRs apply to a wide variety of aesthetic considerations in the community. It is important to note that while every effort has been made to include those considerations which have the potential to impact property values, this ASCS is not all encompassing. Suggestions for improvement of this document should be submitted to the Architectural Committee, Board of Directors, or Property Management Company.

Homeowners who are in doubt if their situation is adequately addressed should contact the Property Management Company or Architectural Committee for guidance.

Section 2 – Architectural Committee

Article VIII of the CCRs establish an Architectural Committee for the purpose of reviewing and maintaining the ASCS, and serving as a resource to homeowners for requested changes. It is part of the charter of the Architectural Committee to maintain consistent standards while remaining flexible and open-minded to changes within our community.

The committee is comprised of three to seven members, appointed by the Board of Directors, with volunteers solicited during the annual homeowners meeting. The Architectural Committee meets as needed and when requested.

Article II – Responsibilities

Section 1 – Homeowners

Each homeowner has the responsibility to properly complete and submit an Architectural Request Form to the Property Management Company in accordance with the requirements of the ASCSs. Each homeowner is responsible for adherence to these policies, to decisions made by the Architectural Committee and the Board of Directors, to report any problems or violations to the Property Management Company, and to perform regular maintenance.

Each homeowner recognizes that the submission and approval process is administrated by volunteers on their own time and is, therefore, inherently lengthy. Homeowners must plan in advance, allowing adequate processing time for each submission. Work must not begin until approval is received.

Section 2 – Architectural Committee

The Architectural Committee is responsible for reviewing and rendering decision on all complete Architectural Request Forms. A majority vote of the Architectural Committee is required on all submissions. If the Architectural Committee is unable to come to a majority decision, the Board of Directors renders decision on the submission.

The Architectural Committee is also responsible for making recommendations to the Board of Directors for modifications to the ASCS.

Section 3 – Board of Directors

The Brookgreen Forest Homeowners Association 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 Committee is unable to reach a majority decision, as well as making decisions about violations and related penalties or legal remedies. The Board of Directors may be consulted for clarification of the CCRs and ASCS, and its interpretation is final.

In the absence of an Architectural Committee, the Board of Directors fulfills their responsibilities.

Section 4 – Property Management Company

The Property Management Company is responsible for collecting all Architectural Request Form submissions and performing an initial review to ensure completeness. Incomplete Architectural Request Forms are returned to the homeowner. Complete Architectural Request Forms are routed to the Architectural Committee for decision. The Property Management Company is responsible for communicating the Architectural Committee’s decision for each complete submission to the homeowner.

The Property Management Company is responsible for observing violations of the CCRs and ASCS, notifying homeowners of the violation and its remedy. The Property Management Company also acts as the point of contact for problems or concerns of community members.

Article III – Guidelines

Throughout this document the term “change” includes any additions, modifications, or deletions. References to “behind the home” are in the spirit of the individual lot. “Behind the home” is defined as ‘behind the front of the home, as long as a fence is installed to provide obscurity from the street in front of the home’.

In general, no exterior changes, will be considered for approval unless such changes are in harmony with existing structures.

The following are examples of changes that require submission of an Architectural Request Form, do not require an Architectural Request Form submission, or are expressly prohibited. Changes with restrictions are further detailed in Article V.

Section 1 – Changes that Require a Submission

- 1) Changes to the exterior of the home, such as:
 - a. Color changes
 - b. Materials changes
- 2) Decks, patios, and porches
- 3) Driveways, driveway extensions, and parking pads
- 4) Fences
- 5) Free-standing poles

- 6) Live tree removal
- 7) Major landscaping
- 8) Outbuildings, sheds, and storage buildings
- 9) Other enclosures, and structures
- 10) Solar collectors
- 11) Swimming pools

Section 2 – Changes that Do Not Require a Submission

- 1) Adhering to restrictions:
 - a. Children’s play equipment
 - b. Exterior antennas, other than satellite dishes
 - c. Holiday ornaments and figurines
 - d. Hot tubs, adhering to restrictions
 - e. Mailboxes and mailbox posts
 - f. Portable pools usable only by small children
 - g. Small garden plots
 - h. Temporary structures, canopies, and tents
- 2) Dead tree removal
- 3) Minor landscaping
- 4) Re-painting and re-staining with the existing color
- 5) Repairs and like for like replacement of existing changes

Section 3 – Changes that Are Expressly Prohibited

- 1) Above ground pools, except for those specified in Article III, Section 2.
- 2) Chain-link fences
- 3) Encroachment on other property
- 4) Metal, Plastic, or Rubber storage sheds
- 5) Metal roofing
- 6) Very bright colors
- 7) Wire-backed wood fences

Article IV – Process

Changes that require an Architectural Request Form submission, or that the homeowner believes may require submission, follow the process described in this section. The process is the same for all submissions with the required details varying depending upon the type of change.

Section 1 – Planning and Preparation

- 1) Using this specification, determine if an Architectural Request Form submission is required.
- 2) Complete an Architectural Request Form; available on the Brookgreen Forest HOA website or from the Property Management Company. Attach all drawings, sketches and supplemental documents for the Architectural Committee to review. A complete submission must fully describe and depict the change; standing on its own without need for further explanation or clarification.
- 3) Present the completed Architectural Request Form to all property owners having common lot lines with your property, and property owners who will reasonably view the change from their property.
- 4) Obtain the signatures of the above homeowners.
 - a. Homeowner’s signatures are not an approval of the change. Their signature reflects that they have been made aware of the change.
 - b. If you are unable to obtain the signature of a required homeowner, document three attempts to contact them. This documentation satisfies the signature requirement.
- 5) Submit the completed Architectural Request Form to the Property Management Company. The Property Management Company routes the completed Architectural Request Form submission to the Architectural Committee within 10 days.
- 6) The Architectural Committee reviews the submission and renders decision within 30 days of submission.
 - a. Approval of any submission, or portion therein, does not ensure approval of similar submissions. Each submission is be considered on its own merits.
 - b. A completed submission, approved by the Architectural Committee, is a contract to comply with the specific details therein. Therefore, alterations and deviations from an approved submission require additional submission.

Section 2 – Details for Submission

When submitting a change, be as specific as possible. Items to consider for inclusion in the submission include, but are not limited to:

- 1) Plot plans
 - a. This is a top down drawing showing location of existing structures, property boundaries in relation to adjoining properties, and location of the proposed changes.
- 2) Pictures and magazines cutouts
- 3) Color chips
- 4) Elevation drawings
 - a. This is front and side views that show height, topography of land, and visual image of the change.
 - b. Drawings must be to scale with the dimensions clearly marked.
- 5) Written description of the materials to be used.

- 6) Written and/or visual depiction of construction details, such as engineering drawings.
 - a. Drawings must be to scale with the dimensions clearly marked.
 - b. Projects for which a contractor is hired require detailed information. Design drawings are required that show roof lines, wall height, foundation, substrates, and other such detail.

Section 3 – Execution of Change

Work should begin at the indicated start date or within 3 months of the date of written approval from the Property Management Company. Work must be completed within six months after the construction begins, unless an extension is requested from and granted by the Architectural Committee.

Approval will expire for projects that have not begun as specified above. The homeowner must resubmit the Architectural Request Form or a written request for extension to the Architectural Committee.

Section 4 – Appeal Process

If a homeowner's submitted change is denied, they have the right to appeal directly to the Board of Directors.

- 1) Homeowner appeal is initiated by contacting the Property Management Company within 10 days of the date of written denial from the Property Management Company
- 2) The Property Management Company contacts the Board of Directors within 10 days informing them of the appeal request.
 - a. The Property Management Company must provide the details of the completed Architectural Request Form submission.
 - b. The Property Management Company must provide the details and justification for denial of the completed Architectural Request Form submission.
- 3) The Board of Directors reviews and renders decision on the submission at the next Board of Directors meeting.
 - a. Homeowners must be allowed to appear before the Board of Directors to appeal in favor of their submission.
 - b. A special Board of Directors meeting may be called for the purpose of hearing an appeal.
 - c. The Property Management Company is responsible for communicating the Board of Directors decision to the homeowner within 5 business days of the decision.

Section 5 – Resubmission

Resubmission is required if the project start and finish dates have passed, amendment to the approved Architectural Request Form submission is required, or if an Architectural Request Form submission is denied and the appeal process is not enacted.

Section 6 – Deviation and Variance

Architectural Request Form submissions that include deviation or variance from the ASCS are considered by the Architectural Committee on an individual basis. Design consistency, architectural compatibility,

placement, intent, and purpose are important factors for granting a variance.

Any deviation or variance granted by the Architectural Committee must be documented as such by the Property Management Company. Notification to the homeowner must state that the approval is a deviation or variance.

Article V – Standards and Control Specifications

The standards and control specifications below apply to items both requiring and not requiring submission and are those that have been identified by the Board of Directors as requiring a specification.

Section 1 – Animals

Standards and Control Specifications for animals are found in the CCRs, Article X, Section 5.

Section 2 – Children’s Play Equipment

Children’s play equipment, such as swing sets, forts, jungle gyms, and climbing equipment must be located behind the home.

Section 3 – Decks, Patios, and Porches

The Board of Directors encourages creative designs and patterns for decks, patios and porches, particularly in replacement of existing builder supplied components.

- 1) There are no predetermined styles.
- 2) Deck and Porch Materials
 - a. Pressure treated wood
 - b. Engineered Decking
 - c. Posts must be brick, pressure treated wood, engineered wood, or other suitable material.
- 3) Patio Materials
 - a. Smooth finished concrete.
 - b. Brick, pavers, or stone with sand filled joints.
- 4) Height of arbors, awnings, decks, pergolas, porches, and screening
 - a. Decks and porches must be of a reasonable height for their intended purpose.
 - i. Deck screening must not extend above the roofline of the home.
 - ii. Porches must not exceed the height of the home.
 - b. Arbors, awnings, and pergolas must not extend above the roofline of the home.
- 5) Location
 - a. Decks and porches must not extend around corners, nor be freestanding in other areas behind the home.
 - b. Patios must be located behind the home.

- i. Must not extend around corners.
 - ii. May be freestanding behind the home.
- c. Arbors, awnings, and pergolas must be installed as part of a deck, patio or porch.

Section 4 – Driveways, Driveway Extensions, and Parking Pads

- 1) Must be concrete only.
- 2) Driveway Extensions must abut the existing driveway.

Section 5 – Exterior Antennas and Satellite Dishes

- 1) Standards and Control Specifications for satellite dishes are found in the CCRs, Article X, Section 8.
- 2) Exterior Antennas, other than satellite dishes, must be installed in the rear of the home, provided they cannot be seen from the street in front of the home.

Section 6 – Fences

The ASCS allows specific types of fencing so that the homeowner has the option of creating an enclosed or semi-enclosed private space.

- 1) General Guidelines
 - a. Must be chosen from the fence styles as described below.
 - b. Must not extend higher than 72” above the natural grade
 - c. Must be stained or left unstained to age naturally.
 - d. All fencing along the interior greenway, prescribed roadway buffers, and open space buffers must be offset from the property line a minimum of 5’.
 - e. Evergreen plant material may be planted along the exposed or right-of-way side of the proposed fence.
 - i. Must be planted at a maximum of 5’ on center.
 - ii. Must be installed at an initial height of 24”to 30” ; reaching a mature height of 48” to 60” within four growing seasons.
 - f. Fencing perpendicular to the street in front of the home, must not extend beyond the front corner of the home. Fencing that runs parallel to the street in front of the home, must not extend beyond the front of the home.
 - i. Homes whose front corners do not align with those of their property adjacent neighbors may build the perpendicular portion of fencing to the point at which their property adjacent neighbor would be permitted. Parallel portions of fencing must not extend beyond the front of the home.
 - g. Must be flagged or staked in the field for review by the Architectural Committee.
- 2) Fence Specifications
 - a. Building Materials

- i. Pressure treated wood
 - 1. Metal, plastic, and vinyl fences are expressly prohibited.
 - ii. For 6' fences, boards must be 6" in width.
 - iii. For 4' fences, boards must be 4" or 6" in width.
- b. Fence Styles
- i. 4' Fences
 - 1. Traditional Picket
 - 2. French Gothic Picket
 - ii. 4' or 6' Fences
 - 1. Shadow Box
 - 2. Dog Eared
 - 3. Dog Eared Picket
- c. Stain
- i. Must be transparent or semi-transparent wood toned stain or wood preservative, so as to enhance the natural look of the wood.
 - 1. Examples of wood toned stain include, but are not limited to, cedar, oak, or redwood.
 - ii. Opaque or solid color stain, paint, or wood preservative are expressly prohibited.

Section 7 – Free-standing Poles

Submissions for free standing poles, such as basketball goals and flag poles, must include construction and installation details.

- 1) There are no predetermined styles.

Section 8 – Garbage and Recycling Can Storage

Garbage and recycling cans must be kept behind the front of the home.

Section 9 – Holiday Ornaments and Figurines

- 1) Holiday ornaments and figurines must be installed no more than 60 days prior to the holiday being celebrated.
- 2) Holiday ornaments and figurines must be removed no more than 30 days following the holiday being celebrated.

Section 10 – Hot Tubs

- 1) Hot tubs must be installed on a deck or patio.

Section 11 – Landscaping

- 1) Minor Landscaping
 - a. Naturalizing an area of yard by adding shrubs, flowers, or small trees.
 - b. Small garden plots located behind the home.
- 2) Major Landscaping
 - a. May be structural, have an impact on adjacent property, or require strong aesthetic consideration. Examples include, but are not limited to:
 - i. Retaining walls
 - ii. Drainage, swale, and runoff
 1. Careful consideration is be given to landscaping that will regulate current drainage and runoff to adjoining properties. Details must be contained in each submission.
 - iii. Large garden plots located behind the home.
 1. Submissions must include details of screening.

Section 12 – Mailboxes and Mailbox Posts

- 1) Mailboxes
 - a. Must be standard size mailboxes.
 - b. Must be black or white.
 - c. Mailbox covers are expressly prohibited.
- 2) Mailbox Posts
 - a. Must be pressure treated wood.
 - b. Must be painted black or white, or left unstained to age naturally.

Section 13 – Materials and Colors

Only exterior materials comparable to those on existing structures or compatible with the architectural character of the community are approved.

- 1) Brick must remain unpainted.
- 2) Colors
 - a. Must not clash with the colors of homes in the immediate vicinity.
 - b. Must not be the same color as adjacent homes, including those across the street.
 - c. Must be low in intensity, saturation, and chroma.
 - d. Samples must be included with a request for a color change.

Section 14 – Outbuildings, Sheds, and Storage Buildings

Additional Standards and Control Specifications for outbuildings, sheds, and storage buildings are found

in the CCRs, Article X, Section 4.

A property is allowed one outbuilding, shed, or storage building. These structures must be located behind the home.

1) Outbuildings

- a. Defined as a building whose side exceeds the linear footage for which the Town of Cary requires a permit.
- b. Must be a permanent stick-built structure.
- c. Must match the color and design of the home.
- d. Must have a roof pitch that matches that of the front of the home.
- e. Garage doors must match the home.

2) Storage Buildings and Sheds

- a. Defined as is a building that is not meant for the storage of vehicles, boats, recreational vehicles, or trailers. Its sides are smaller than the linear footage for which the Town of Cary requires a permit.
- b. May be used for the storage riding lawn mowers.
- c. Must be a permanent stick-built structure.
- d. Must have the same color, style, and type of shingles as the home.
- e. Must match the color of the home.
- f. Must have vertical or horizontal siding.
- g. Must not exceed 15' in height.
- h. Must not have roll-down doors.

Section 15 – Outdoor Clotheslines

Standards and Control Specifications for outdoor clotheslines are found in the CCRs, Article X, Section 8.

Section 16 – Parking

- 1) Additional Standards and Control Specifications for vehicles are found in the CCRs, Article X, Section 11.
- 2) Industrial vehicles (with or without signage) or tractors must not be parked on or outside of any lot, including the street, overnight.
- 3) Commercial vehicles (with or without signage) must not be parked on the street overnight.
- 4) Parking of vehicles, boats, trailers, motorhomes, and campers on soft surfaces is expressly prohibited.

Section 17 – Signs

- 1) Additional Standards and Control Specifications for signs are found in the CCRs, Article X, Section 7.

- 2) Garage sale and yard sale signs must be installed no more than 24 hours prior to the start of the sale and must be removed by the end of the day of the sale.
- 3) Political campaign signs complying with 'Wake County's Campaign and Sign Regulations' are allowed. They must be removed in accordance with 'North Carolina's Statewide Guidelines for Sign Placement'.

Section 18 – Solar Collectors

- 1) Must not be visible from the street in front of the home.
- 2) Must be mounted on the rear roof of the home.
- 3) Must not exceed 10" clearance from the roof.
- 4) Must be repaired if damaged.
- 5) Must be removed if no longer in use.

Section 19 – Storage

- 1) Trade materials or equipment must not be stored openly on or outside of any lot, including the street.
- 2) Temporary storage of materials for changes should be placed discreetly and well maintained.

Section 20 – Swimming Pools

- 1) Portable pools usable only by small children must be located behind the home.
- 2) All swimming pools must be installed behind the home.
- 3) In ground swimming pools must meet local code standards for safety, including fencing.

Section 21 – Temporary Structures, Canopies, and Tents

- 1) Additional Standards and Control Specifications for temporary structures are found in the CCRs, Article X, Section 4.
- 2) Must not be erected for more than 10 consecutive days.

Section 22 – Tree Removal

Standards and Control Specifications for tree removal are found in the CCRs, Article X, Section 15.

Section 23 – Other Enclosures

The Board of Directors encourages creative designs for other enclosures, particularly in replacement of existing builder supplied components.

- 1) Must be designed and constructed for aesthetic compatibility and preservation.
- 2) Examples include screened porches, sunrooms, and solariums.

Article VI – Maintenance

It is the responsibility of each homeowner to maintain their property in a way that does not detract

from the overall beauty of the community.

1) Upkeep

- a. Each homeowner must regularly maintain their property by mowing, trimming, clean-up, and removal of all debris from their lot.
- b. Below are examples of areas that should be reviewed on a regular basis:
 - i. Children’s Play Equipment
 - ii. Decks, patios, and porches
 - iii. Driveways and sidewalks
 - iv. Fences
 - v. Gutters
 - vi. Landscaping
 - vii. Lawns
 - viii. Paint and Stain
 - ix. Roofing
 - x. Siding

2) Deterioration

- a. 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, or endangers an adjoining property, the Property Management Company is engaged to make a site inspection. Based on their site inspection, the Property Management Company makes recommendations to the Board of Directors.
- b. Based on the severity of the deterioration, the homeowner is 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 may take action as defined in the CCRs.

Article VII – Violations

Below are common forms of violations:

- 1) Implementing a change without the approval of a properly completed Architectural Request Form submission.
- 2) Deviation from or noncompliance with an approved submission.
- 3) Poor home or lot maintenance.

Article VII – Enforcement

Enforcement of this ASCS is detailed in the CCRs, Article VII, Section 1, in the CCRs, Article IX, in the CCRs, Article XIII, Section 1, and in the By-Laws, Article III, Section 2. The Board of Directors may enforce standards set by the Town of Cary as its own.

After all attempts to resolve a violation have been exhausted, including the opportunity for a hearing,

the Board of Directors selects the appropriate remedy. The Property Management Company notifies the property owner of such action.

Remedies include, but are not limited to:

- 1) Suspension of voting rights.
- 2) Levying of penalties as approved by the Board of Directors.
- 3) Obtaining Restraining Order to prevent an action.
- 4) Obtaining a Court Order to require the homeowner to remove a project.
- 5) Entering a property to remove a project at the homeowner's expense.
- 6) Entering a property to remedy an issue at the homeowner's expense.

Article VIII – Changes to this ASCS

Section 1 – Voting and Notice

- 1) This ASCS may be changed by a two-thirds majority vote of the quorum present at the annual homeowners meeting.
- 2) Before proposed changes to this ASCS are voted on, notice must be sent to all homeowners a minimum of 30 days prior to the annual homeowners meeting.
- 3) All proposed changes to this ASCS must be available to homeowners a minimum of 30 days prior to the annual homeowners meeting

Section 2 – Exception

In the absence of an Architectural Committee, this exception is void.

- 1) Changes to the ASCS may be made by unanimous vote of all members of the Architectural Committee and Board of Directors.
 - a. Written notice, along with all changes, must be sent to homeowners within 5 days of adoption.
 - b. Any changes made to through this exception can be repealed by a two-thirds majority vote of the quorum present at the annual homeowners meeting.
 - i. Any homeowner may call for repeal.
- 2) Changes to Article VIII of this ASCS cannot be made through this exception.

Section 3 – Adoption

- 1) Changes to this ASCS are not in effect, and cannot be enforced, for the 30 days following adoption.
- 2) The adoption of this ASCS will effect a repeal of all previously adopted provisions in conflict herewith.
 - a. Provisions contained in this ASCS that are in conflict with the CCRs are invalid.

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 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 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

November 13, 2019

- Document was rewritten to simplify, correct, and add/update items which address situations currently present in our community.