



ARCHITECTURAL GUIDELINES EFFECTIVE JANUARY 1, 2008

The Architectural Guidelines must be read carefully by the property owner and their architect/designer prior to any plans being drawn. Please consult with the Architectural Review Committee as to all questions in advance so that time and design costs are not unnecessarily expended.

Without limiting the unfettered right of the Architectural Review Committee (ARC) to approve or disapprove any plans, the following suggestions are made for the purpose of assisting designers in developing architectural plans containing features which will not be out of conformity with certain requirements, provided the mere fact of conforming to these suggestions will not automatically mean that any particular building plans will be acceptable as drawn.

GENERAL

Purpose of Architectural Guidelines:

The purpose of the Architectural Guidelines is to assist homeowners and the Architectural Review Committee (ARC) to determine which of the submitted exterior construction project (both new construction & modifications) are appropriate to meet our community's goals and objectives.

Interior construction modifications do not require ARC approval unless the changes will affect the safety and security of the neighboring homeowners. The ARC is committed to making determinations in the best interest of individual homeowners and the community as a whole.

Architectural Guidelines Review & Revisions:

Any homeowner in Brantley Oaks may propose changes to the Architectural Guidelines at any time. Proposed changes are subject to approval by the ARC and Brantley Oaks Homeowners Association, Inc. Approved changes will be incorporated in the Architectural Guidelines annually or sooner if deemed urgent.

Application Approval & Execution Process:

NEW CONSTRUCTION - Use the attached **Architectural Approval Form** to apply for approval of plans to build your primary residence on your Brantley Oaks lot, and submit the complete application package to:

**Please contact any ARC member as
notated on the Brantley Oaks of
Union County website:
www.brantleyoaksuc.org**

MODIFICATIONS - Use the attached Architectural Change Request (ACR) Form to apply for exterior modification(s) to your home and/or your property, and submit the complete application package to:

**Please contact any ARC member as
notated on the Brantley Oaks of
Union County website:
www.brantleyoaksuc.org**

- All requested information on the **Architectural Change Request (ACR) Form** must be provided and supportive material such as pictures, catalogue data and clips, renderings, and dimensioned sketches must be attached. Incomplete applications will be returned.
- Proposed modifications must fully comply with the Union County zoning and building codes; also applicable state and national codes. ARC has no authority to waive any county, state or national code. Homeowners are responsible for obtaining all necessary permits prior to construction.
- Construction modification work *shall not* commence until the homeowner(s) has/have received a written approval from the ARC. Non-compliant homeowners may be required to return the property to its former condition at their own expense, including all legal fees acquired by the HOA to enforce this action. Such action will be taken when for example:
 - Construction modification(s) was/were executed without prior approval of the ARC, and the resulting product is not in compliance with the Architectural Guidelines.
 - Homeowner(s) executed a construction modification or series of construction modifications knowing that the construction modification request will be or was disapproved by the ARC, in part or whole.
- Application approval is contingent upon all work being completed in a professional manner and in full compliance with the ARC-approved construction modification request. Executed construction modification(s) that are not in compliance with the ARC-approved request will be removed or repaired at the homeowner'(s) risk and expense, including any legal fees acquired by the HOA to enforce this action.
- Members of the ARC will make routine inspections of the construction in progress and of the completed work. ARC approval of construction modification related work must comply with the ARC-approved documents. ARC is not a technical approval authority. The technical liability for the executed modification(s) rests solely with the respective homeowner(s) and their technical representative(s).
- Homeowners are solely liable for any claims including, without limitation, a claim for property damage or personal injury that will result from the requested construction modification(s). Homeowners are responsible for the maintenance, repair and upkeep of the completed construction modification.

- Homeowners are encouraged to discuss proposed construction modification(s) with their immediate neighbor(s) prior to submitting their application to the ARC. If this recommended practice would pose a problem, homeowners are encouraged to contact any member of the ARC, to discuss this matter.
- **Approval of the Architectural Change Request (ACR) requires that the Homeowner is in good standing with the Brantley Oaks HOA, with all homeowner's dues paid up to date.**

Goals of the Architectural Review Committee:

The goals of the ARC are to make the community a place that is attractive to those who live here and to those who will consider living in our community in the future, and to improve our living environment. The future value of your home is a key consideration in the deliberations of the ARC.

Time Restraints:

Approval of Architectural Change Request:

- The ARC, by covenants, must respond within fifteen (15) days of receipt of Application for Change or Addition.

Completion of approved Requests:

- Projects must be completed within the timeframe stated on the Application for Change or Addition.

Appeals:

- Brantley Oaks Homeowners Association Board will resolve any disagreements between petitioners and the Brantley Oaks ARC.
- Formal appeals must be submitted to Brantley Oaks Homeowners Association Board or Brantley Oaks Architectural Review Committee within fourteen (14) days of denial of application or conflict of approval. A formal closed appeal hearing will be held within fourteen days of date of appeal with homeowner, Brantley Oaks Homeowners Association Board and Brantley Oaks Architectural Review Committee. Board decision after this hearing is final.

Variances:

The ARC shall have the power to and may allow reasonable variances and adjustments of these guidelines in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein; provided, however, that such is done in conformity to the intent and purposes hereof; and, provided, also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements in the neighborhood.

Penalties:

Should the homeowner not follow the ARC process, or if homeowner disregards the ruling of the ARC or Brantley Oaks Homeowners Association, a fine may be levied. If compliance is not met, a fine of \$100 a day may be levied by the HOA Board. All fines are paid to the Brantley Oaks Homeowners Association. The total amount of fines will not exceed 20% of the tax valuation of the home. Should the fine not be paid a lien may be placed on the homeowners' property. All fines will be levied in accordance with North Carolina statutes governing homeowners associations.

NEW CONSTRUCTION

"New Construction" is defined as the construction of the primary dwelling on any Lot. "New Construction" could also include (but not limited to) a major addition to an existing dwelling or a detached garage.

1. **Objectives:** Architectural review is directed towards obtaining the following objectives:
 - a. Preventing excessive or unsightly grading, indiscriminate earth moving or clearing of the property, removal of trees and vegetation which would disrupt natural water courses or scar natural land forms.
 - b. Insuring that the location and configuration of structures are visually harmonious with the terrain and vegetation of the residential lots and with the surrounding residential lots and other amenity areas.
 - c. Insuring that architectural design of structures and their materials and colors are visually harmonious.
 - d. Insuring that plans for landscaping provide visually pleasing settings for structures on the same lot and on adjoining and nearby lots and blend harmoniously with the natural landscape. Insuring that neither landscaping nor the location or design of any improvements obstruct or impeded the proper drainage of water runoff to other properties. Homeowners will not be required to obtain approvals for plantings within planting beds that have been initially approved or established.
 - e. Insuring that any development, structure, building or landscaping complies with the provisions of the restrictive covenants.

2. **Fees:** The Committee shall have the right to charge a reasonable fee for receiving and reviewing each application for new house construction in the amount of \$100.00. The Committee reserves the right to increase such fee as may be needed to cover its actual costs of review and administration. No fees will be charged for review of improvements after building occupancy.

3. **Review Standards:**
 - a. The siding on the principal and all necessary buildings must be face brick, stucco, stone, wood or Amazonite siding. Actual brick samples, stucco finish and color, and paint color for wood siding homes must be submitted and approved prior to the starting of construction.
 - b. If wood or Amazonite is used, it must be individual boards, each of which may be no more than 9 inches wide.

- c. All trim, trim boards, soffits, doors or window casings and sash must be wood or Masonite, or other materials approved by the Committee. No bright plated or natural aluminum window screens shall be permitted.
- d. Windows must be single or double hung casement or sash wood windows and may be vinyl clad. There shall be no metal windows or doors except prepainted or anodized storm doors unless other materials are expressly approved.
- e. All exterior railings must be wrought iron or wood and all shutters must be wood or fiberglass.
- f. All exterior doors must be paneled except storm doors and sliding glass doors.
- g. All liquid propane ("LP") gas tanks larger than 125 gallons must be buried underground. Tanks smaller than 125 gallons must be placed in a location determined by the Committee and visually screened as the Committee determines.
- h. There shall be no exposed concrete block used. All masonry walls and foundations will have approved surface treatment that complements the siding.
- i. All chimneys must be brick, stone or stucco or veneers of the same materials. Chimneystacks are to be boxed in to blend with the exterior of the house and the boxing is to have a façade of brick, stone or stucco.
- j. There shall be no aboveground swimming pools.
- k. No fence or wall shall be built without prior approval of the Committee. All fence heights must be approved. Fences located between the front of the house and the road right-of-way are not allowed. On corner lots, for privacy's sake, the rear yard may be fenced along the side street setback starting from the rear line of the house and extending to the rear to the right-of-way margin of the rear easement area. On lots other than corner lots, fences must be located no closer to the front of the house than midway between the front and rear of the house structure and extend outward from the house to the limits of the side lot line, less and easement setback. On these lots, the fences may also extend to the rear lot line, less and easement setback.
- l. All fencing must be wood picket, wood rail, stone, brick, wrought iron, aluminum, or vinyl (Bufftech or approved equal). No chain link or metal fabric fences (including fence liners) are permitted. Coated chain link (green or black in color) may be used only on tennis courts. All wood fences shall be maintained in a neat and clean appearance while erected. No signs, ornaments, antennas or satellite dished or similar devices shall be erected or maintained on the property without the prior written approval of the Committee. No outside antennas or satellite dished shall be permitted unless reasonably screened from view, and the design of said screening must be approved by the Committee.
- m. All attic vents, gable vents and louvers are to be wood and not of metal construction.

- n. Only approved architectural dimensional textured shingles or equal may be used. Roof shapes and pitch are subject to approval.
 - o. *All submittals for approval of the Committee are to include a scaled site plan showing the location of the house, the drive and walks, including proposed front, rear, and sideline distances from main structure.*
 - p. No attached garages shall open facing the front street line. Separate, detached garages that must face the front street line shall be screened visually by a wall complimentary to the garage and house or by mature landscape specimens to avoid having an overhead door opening seen from the street. The wall or landscaping must be in place upon completion of the garage.
 - q. Brick houses must have brick treatment over both stories and all sides of the house, unless otherwise approved by the Committee.
 - r. Once a building lot is cleared for construction, the driveway to the house site must be covered with construction stone so as to limit the amount of mud tracked onto the streets. A driveway culvert must be installed at that time.
 - s. Each lot owner or builder must supply a “porta-jon” or equivalent sanitary sewer container for workers once the lot has been graded. This container shall remain in place throughout all construction phases.
4. **Construction Cleanliness:** During construction, all construction trash and debris shall be removed from each lot under construction at least on each Friday of every other week. Construction entrances to each building site shall be graveled for a minimum distance of fifty (50) feet from edge of paved road. All remaining building materials must be removed upon completion of the house and before occupancy.
 5. **Changes:** The Committee, in its discretion, shall have the right, from time to time, to alter, modify and amend these guidelines.
 6. **Notices to the Committee:** Notices to the Committee shall be written and delivered by certified U.S. Mail, postage prepaid to the address of the Committee for such notices contained in the current edition of the Architectural Guidelines. The address of the Committee in this edition is:

**Please contact any ARC member as
notated on the Brantley Oaks of
Union County website:
www.brantleyoaksuc.org**

7. **Disclaimer:** No approval of plans, location or specifications and no publication of architectural standards or recommendations shall be construed as representing or implying that any such plans, specifications or standards will, if followed, result in a properly constructed residence. Such approvals and standards shall in no event be construed as representing, warranting or guaranteeing that any residence or improvement thereto will be

built in a good workmanlike manner or that the plans and specifications with respect thereto shall result in a residence of any particular quality. The Committee shall not be responsible or liable for any defects in any plans or specifications submitted, revised or approved under the restrictive covenants or under the architectural review board procedures, nor shall the Committee have any responsibility for defects in construction pursuant to any such plans and specifications. Each property owner shall have sole responsibility for compliance with the plans as approved by the Committee and agrees to hold the Committee harmless from any failure thereof caused by the property owners, architect or builder.

MODIFICATIONS

“Modifications” are defined as any addition, modification, improvement to your existing dwelling and/or property.

1. General Construction:

The following actions require specific approval by the ARC:

Construction of any type of structure or improvement on any Lot in Brantley Oaks (including but not limited to outbuildings, fences, pools, walls, exterior remodeling, landscaping, or additions to an existing structure).

The following guidelines apply, in general, to all construction projects:

Duration: Construction project should be completed within start and completion date, as noted on your “Architectural Change Request” form.

Utilities: Any utility additions must be underground and adhere to all County Code requirements.

Code Compliance: Owners making modifications are responsible for ensuring that the modification complies with all state and local code requirements. The owner is responsible for obtaining any required permits and/or licenses.

Building materials and equipment should not be stored where visible from the street or the adjacent property for more than 30 days.

Maintenance: Construction debris must be removed upon completion of the project.

2. Antennas & Satellite Dishes (exterior):

To preserve the clean and aesthetically pleasing appearance of the building front elevation, outside antennas or satellite dishes are **not** permitted unless reasonably screened from view, and the design of said screening must be approved by the Committee.

Advice: Homeowners are encouraged to have the roof installation done by a reputable satellite dish installer to prevent post installation roof leaks.

3. Aquatic Recreation Equipment (exterior):

Swimming pools:

- In-ground pools must be approved by the ARC. Placement is allowed in the backyard only.
- All pool equipment (pumps, plumbing, supplies, etc.) are to be screened from view of street and adjacent property. Screen (design, materials, etc) for pool equipment must be approved by the ARC.
- Proper safety-fencing is required. The construction of this fence also requires ARC approval (see "Fences" - section 12 below). All fencing will be in compliance with the Union County "Swimming Pool Barrier Ordinance". Additionally, it is encouraged that the homeowner contact their respective homeowner's insurance company prior to installation of fence.
- Above-ground swimming pools are not permitted

Hot tubs and spas:

- Hot tubs and spas must be approved by the ARC.
- Styles approved are: in-ground, stand-alone or in-deck or as integral part of the deck or patio.
- Placement in rear of house only.
- Proper fencing, railing, or cover required

4. Attic Ventilators:

The type, location and exterior finish of the roof and gable-mounted attic ventilators and turbines are subject to ARC approval. Their exterior finish must match the color of the penetrated exterior surface. Attic ventilators may not be installed on the front elevation of the roof.

Advice: Homeowners are encouraged to have the installation done by a reputable contractor to prevent post installation roof leaks.

5. Awnings:

Awnings are approved on the rear of the house.

6. Clothes Lines:

Prohibited. Cloth lines or similar apparatus for the exterior drying of clothes are prohibited anywhere on the exterior of the building, including the patio and deck.

7. Covered Walkways:

Prohibited.

8. Deck (with or without stairs):

Deck and stair installation is permitted; however, the design, material and stain are subject to ARC approval.

- Homeowners are required to submit a plan, side view and front view of the deck with a transposed rear elevation of the respective home.
- The homeowner is required to comply with all state and local building codes.
- Privacy screening for decks is permitted for the left and right side of the deck. ARC approval is required.

9. Doors (exterior):

- **Door plaques for the main entrance door** are permitted, if affixed to the upper part of the door and do not exceed 6 inches in height or width. The total area of the plaque may not exceed 25 square inches, i.e., 6"W x 4"H.
- **Exterior security bars for doors and windows** are prohibited. Homeowners are encouraged to install a security system. Wireless technology is available for those who do not have their home pre-wired for a conventional security system.
- **Kick plate for the main entrance door:** Permitted is a 6-inch high kick plate.
- **Peep hole installation for the main entrance door** is permitted and does not require approval of the ARC.

10. Dog Accommodations (exterior):

- **Doghouses** in fenced yards are subject to approval by the ARC. Doghouses in unfenced areas are prohibited.
- **Dog runs** are prohibited. A dog run is defined as any fenced or walled structure (other than privacy fencing) constructed to allow dogs or other animals to exercise or roam without escaping.
- **In-ground Radio Fences** are permitted and do not require ARC approval.

11. Exterior Finishes:

- **Changing the color and texture of exterior trims and finishes:** Homeowners must obtain approval from the ARC before changing the color and texture of externally visible finishes including siding, doors shutters, trim and roofing. The proposed change must be consistent and visually compatible with the surrounding neighborhood. Contrast reversals are not permitted. Homeowners are encouraged to consult a licensed architect on the selection of colors/color scheme prior to submitting their application to the ARC.
- **Painting of brick** is not permitted.
- **Exterior concrete surfaces including concrete stairs** requires ARC approval.
- **Painting of exterior finishes with the same colors:** Repainting with color that match the original finish does not require approval of the ARC.
- **Siding replacement:** Like-in-kind replacement does not require ARC approval. Any deviations from the existing color, texture and design of the vinyl siding are subject to approval by the ARC.

12. Fences and Permanent Screening:

- **Full front yard fence, or screening,** is prohibited. However, a decorative fence panel incorporated in landscape design is permitted – but does require ARC approval.
- **Rear yard fence, or screening,** is permitted; however, the configuration, location, material and color of the fence are subject to ARC approval. Applications for ARC approval must include a plan view of the fence. Wood substitutes must closely match the appearance of natural wood.
 - All fence heights must be approved.
 - On corner lots, for privacy's sake, the rear yard may be fenced along the side street setback starting from the rear line of the house and extending to the rear to the right-of-way margin of the rear easement area.
 - On lots other than corner lots, fences must be located no closer to the front of the house than **midway** between the front and rear of the house structure and extend outward from the house to the limits of the side lot line, less and easement setback. On these lots, the fences may also extend to the rear lot line, less and easement setback.
 - All fencing must be wood picket, wood rail, stone, brick, wrought iron, aluminum, or vinyl (Bufftech or approved equal).
 - No chain link or metal fabric fences (including fence liners) are permitted..
 - Fence may not be painted, in part or whole. It may only be stained or otherwise treated with a semi-transparent stain of wood tone, or preservative/sealant to preserve its natural color and to keep its grain visible.
 - Color stains require ARC approval. If approval is granted, all visible elements of the fence must be stained the same color.

13. Flagpoles:

- **Permanent and freestanding flagpoles** require ARC approval.
- **Temporary flagpoles** that do not exceed six feet in length and are attached at an incline to the exterior wall of the home or deck rail support do not require ARC approval. The displayed flag cannot be offensive in nature.

14. Greenhouses:

Prohibited.

15. Permanent Grills & Fireplaces:

Permanent grills and exterior fireplaces are subject to ARC approval.

16. Illumination & Light Fixtures (exterior):

Any changes/improvements to exterior lighting are subject to ARC approval. Proposed changes/improvements must be compatible, in style and scale, with the existing light fixtures.

- **Building front illumination:** Only clear or frosted bulbs may be used for the illumination of the front elevation of the building.
- **Building rear illumination:** Color bulbs (to repel/capture insects) are permitted for the illumination of the patio and deck.
- **Common area lighting** may not be altered.
- **Like-in-kind replacement of exterior light fixtures** does not require approval of the ARC.
- Landscape illumination of front and/or rear yard is permitted; however, the illumination design (location, number and type of light fixtures) is subject to ARC approval prior to installation.
- **Modified lighting:** Lighting which illuminates either common areas or private property other than that on which installed, including reflected "backwash" behind houses, is generally prohibited. The ARC will evaluate special cases, on a case-by-case basis. Proposed lighting will not be approved if it will have an adverse visual impact to any property, due to factors such as location, color or wattage. Since the effect of proposed lighting may be difficult to assess prior to installation, the ARC reserves the right to require correction, including removal or modification of lighting found to have an adverse impact after installation.

17. Landscaping & Sprinkler System:

- **Landscaping** does not require ARC approval. However, see "Patio Development" for applicable restrictions. Homeowners are advised not to plant trees close to the building, as roots of tall trees are known to cause foundation upheaval and exterior and interior walls cracking.
- **Underground sprinkler system** within the homeowner's property limit does not require ARC approval.
- **Major landscaping projects**, (i.e. lot drainage, large tree removal- in excess of 12 inches diameter), must be submitted to the ARC for review and approval.

18. Ponds, Fountains, Large Bird Baths:

Ponds, Fountains and Large bird baths must be approved by the ARC.

19. Mail Boxes:

- Only the Brantley Oaks approved mailbox is permitted.
- The ARC encourages periodic maintenance of mailbox (cleaning, painting, repair, etc.)

20. Maintenance of Property:

Each property owner is responsible for the continued maintenance of the structure and grounds that are part of the homeowner's lot. Note: within Brantley Oaks, the homeowner's lots extend to the road. Homeowner responsibility for maintenance also applies to lots not yet developed. These responsibilities include, but are not limited to:

- Keeping the building in excellent condition and repair and removing all debris.

- Keeping shrubs, trees, grass and other plantings neatly trimmed, properly cultivated, and free of weeds.
- Preventing trees, shrubs, or plantings of any kind to overhang or otherwise encroach upon any sidewalk, street, pedestrian way, or other homeowner's property.
- Keeping drainage areas mowed and clean of debris, weeds and trash.
- Preventing yards from becoming unsightly.
- Keeping grass, shrubs, trees, and other plantings properly watered.
- Building materials and equipment should not be stored where visible from the street or the adjacent property for more than 30 days.

21. Patio Development:

Patio development requires ARC approval. Additionally, the following criteria must be met prior to construction:

22. Recreation & Play Equipment (non-aquatic):

Each property owner is responsible for the continuing maintenance of recreation and play equipment.

- **Swing sets/Play sets** are permitted in rear yards ONLY. If the structure requires construction or erection, it is subject to ARC approval.
- **In-Ground and Portable Basketball Goals** are permitted.
 - It is preferred that they be located adjacent to driveway, with backboard parallel to the driveway.
 - Goal should be located on the side opposite the house
 - No basketball goals are permitted on street (i.e. in cul-de-sac)
- **Sandboxes** are permitted in rear yards ONLY.
- **Play equipment**, (including but not limited to bicycles, riding toys, scooters, hula hoops, etc.) should be stored in the garage when not in use and not visible from the street or adjacent properties.
- **Trampolines** are permitted in rear yards only and should not be visible from the street, whenever possible.
- **Portable Pools:** Portable, kiddie pools are permitted when located in the backyard. They are not to exceed 12 inches in height.

23. Solar Panels and Wall/Window Mounted Air Conditioning Units:

Prohibited.

24. Liquid Propane (LP) Tanks:

All liquid propane ("LP") gas tanks larger than 125 gallons must be buried underground. Tanks 125 gallons or smaller are to be screened from view of street and adjacent property. Screen (design, materials, etc) for LP tank must be approved by the ARC.

25. Driveways:

- All driveways are to be constructed of concrete or asphalt (unless other material is approved by the ARC).
- No painted driveways.
- No changes may be made to driveway size, design or finish without specific written approval from the ARC prior to any work commencing.

26. Outbuildings/Storage Sheds:

- The construction of an outbuilding or storage shed cannot proceed without specific written approval from the ARC.
- Particular to the construction of an outbuilding/storage shed, the following guidelines apply:
 - **Size:** No greater than 144 square feet with no side being more than 12 feet in length, unless approved as a variance by the ARC.
 - **Height:** Overall – no greater than 10 feet. Maximum sidewall height is 7 feet.
 - **Roof Design:** Roofs should be “A” frame construction. Single pitched shed roofs are prohibited.
 - **Roof Materials:** Outbuilding roof must be constructed of shingles that match the house.
 - **Quantity:** No more than one (1) outbuilding is permitted per lot.
 - **Design & Materials:** Outbuilding must be designed and constructed in keeping with the same quality, design and colors of the house. NO metal or plastic buildings.
 - **Utilities:** Any utility facilities providing service to an outbuilding must be underground and adhere to standard building codes.
 - **Location:** Backyard ONLY, and must not encroach on setbacks. Outbuildings must not be visible from street, except for unusually shaped lots or corner lots (in which case the outbuilding should be screened or its visibility from the street must be as limited as practical).

27. Detached Garages and Carports:

- The construction of a detached garage cannot proceed without specific written approval from the ARC.
- Carports: Are prohibited.

28. Major Additions:

- Major addition is defined to be any modification to your primary residence that changes the footprint of the structure or roofline.
- The construction of a major addition cannot proceed without specific written approval from the ARC.