

Architectural Standards Bulletin
Interpretation of Declaration Section 2.14 (Fences)

1. Definitions.

“ACC” means the Architectural Control Committee of the Stacy Ridge Estates Homeowners’ Association.

“Double-Sided Fence” means a wood Fence with (a) smooth sides facing each direction, and (b) affixed to the same poles or posts.

“Effective Date” means July 1, 2007.

“Existing Fence” means a Fence constructed as of or before the Effective Date.

“Fence” means any fence, wall, or hedge (used as part of, or as a continuation of, a fence or wall).

“Interpretation” means this Interpretation of Declaration Section 2.14 (Fences).

“Management Company” means Neighborhood Management, Inc. or any successor entity retained by the Board to manage the day-to-day operations of the Association.

“New Fence” means a Fence constructed after the Effective Date.

“Parallel Fence” means a Fence that is in front of, adjacent to, and otherwise parallel to another Fence.

All other capitalized terms not otherwise defined have the meaning given to them in the Declaration.

2. Authority. Declaration Section 7.02 provides that the ACC has “full power and authority to make any . . . subjective judgments and to interpret the intent and provisions of this Declaration in such manner and with such results as the [ACC], in its sole and exclusive discretion may deem appropriate.” Further, Declaration Section 7.03(h) provides that the ACC “may from time to time publish, promulgate and amend architectural standards’ [sic] bulletins.” This Interpretation constitutes an architectural standards bulletin promulgated by the ACC. The ACC reserves the right to revise this Interpretation from time to time as needed, as well as to grant requests for exceptions from the requirements of this Interpretation consistent with the discretion of the ACC under the Declaration. Except as otherwise indicated, all references to sections are to sections of this Interpretation.

3. Purpose. Since 2001, when the first Owners moved into Stacy Ridge Estates, the lack of a clear and comprehensive policy regarding the construction, maintenance, and staining of Fences has caused a great deal of confusion and debate. In particular, the lack of clear requirements for staining of wood Fences has resulting in a wide variety of stain and paint

colors, varying degrees of maintenance, and a wide disparity of appearance that distracts from the overall attractiveness of the community. The ACC is issuing this Interpretation to establish a set of uniform standards for use by the Owners.

4. Scope. This Interpretation applies to all Fences presently constructed and to be constructed in Stacy Ridge Estates. Nothing in this Interpretation (a) limits the authority or discretion of the Board as provided under the Declaration, or (b) interferes with easements authorized or permitted under Declaration Article III.

5. Construction Standards. No fencing is required, but any fencing installed or constructed on any Lot must conform to any City requirements and this Interpretation.

5.1 ACC Approval. An Owner must submit a request for ACC approval before the construction, modification or replacement of any Fence; but ACC approval is not necessary for: (a) routine and necessary repairs that do not change the design and appearance of the current Fence, and (b) restaining a wood Fence using (i) an ACC-approved stain, or (ii) for any Fence constructed as of the Effective Date, the Fence's current stain.

5.2 Set Back. Except as permitted by the City and the ACC, no Owner may erect, place, or alter any Fence nearer to any street than the minimum building setback line indicated on the applicable Plat.

5.3 Wood Fences.

5.3.1 Criteria. All wood Fences must:

- (a) have wooden or steel poles or posts;
- (b) have slats measuring (i) six feet in length, and (ii) between 3½ and six inches wide;
- (c) have slats installed vertically only (not horizontally or diagonally);
- (d) be installed with the smooth surface facing the street ("good-side-out") (such that no vertical Fence poles or posts or horizontal supports are visible from the street) (i) in front of the Lot, and (ii) for any corner Lot, to the side of the Lot; and
- (e) be stained in accordance with Section 6.

5.3.2 Height. Generally, the height of a wood Fence is measured by the length of the slats and will follow the contour of the property (including along the top of any retaining walls (even if the combined height of the wooden Fence and the retaining wall exceeds six feet)). With ACC approval, an Owner may construct a Fence that is straight across the top (even though the length at particular points in the Fence exceeds six feet). If an Owner desires to construct a Fence that is significantly taller than an adjoining or

intersecting Fence, then the Owner must include an appropriate “step down” to that adjoining or intersecting Fence.

5.3.3 Double-Sided Fences. Double-Sided Fences are permitted, but (a) additional poles or posts must be added on center between existing poles or posts to support the additional weight on the Fence, and (b) a cap must be added to the top of the Fence.

5.3.4 Additional Features. As approved by the ACC, a wood Fence may include additional structural or decorative features.

5.4 Wrought Iron Fences. As approved by the ACC, an Owner may erect a wrought-iron Fence, but must ensure that anything required to be obscured from sight (e.g., pool equipment) remain appropriately obscured.

5.5 Other Fences. As approved by the ACC, an Owner may construct a Fence or wall consisting of materials other than wood and wrought iron.

5.6 Parallel Fences. Parallel Fences are not permitted.

5.7 Corner Lot Columns. Along the side street of each corner Lot, the Fence line must include stone columns. Each stone column must:

- (a) be two feet wide; two feet deep; and seven feet, four inches tall (excluding the cap);
- (b) be constructed from Austin Stone; and
- (c) be capped with a white precast concrete cap that matches the existing caps.

5.8 Grandfathering of Non-Conforming Fences. For any Existing Fence not constructed in accordance with the requirements of this Section 5 (including any Parallel Fence), the Owner may retain and maintain that Existing Fence in accordance with its existing design. Upon replacement of an Existing Fence, the Owner must construct the replacement for that Existing Fence (if any) in accordance with the requirements of this Section 5.

6. Staining.

6.1 Staining Required for Wood Fences.

6.1.1 Existing Fences. For any wood Existing Fence not stained as of the Effective Date, the applicable Owner must stain the Existing Fence by the first anniversary of the Effective Date.

6.1.2 New Fences. For any wood New Fence, the applicable Owner must stain the New Fence within 60 days after the end of construction using one of the approved stains listed in Section 6.2.

6.2 Approved Stains. An Owner is not required to obtain ACC approval to stain a Fence with one of the following colors:

<u>Light</u>	<u>Medium</u>	<u>Dark</u>
Olympic Honey Gold	Behr Natural Cedar No. 501	Behr Chocolate No. 397

6.3 Grandfathering of Unapproved Stains. For any wood Existing Fence not stained with one of the approved stains listed in Section 6.2, the Owner may (a) continue to use its current stain or paint for repairs and periodic restaining for the remaining life of that Existing Fence, or (B) restain the Existing Fence using a darker stain from the list of approved stains in Section 6.2. Upon replacement of an Existing Fence, the Owner must stain the replacement for that Existing Fence in accordance with Section 6.1.2.

6.4 Application Standards. When staining any wood Fence, the Owner must mask or cover any adjoining structure, column, or brick or stone work to prevent any remaining overspray.

6.5 Restaining. An Owner must periodically restain its wood Fence as necessary, when the existing stain has faded to the extent that bare wood has become visible across the length of the Fence facing the street.

6.6 Stripping and Bleaching. As stained, a Fence's wood must not appear discolored or grayed from exposure. Generally, it is not necessary to strip or bleach a Fence before staining or restaining the Fence. If the wood is discolored or grayed, then (a) the Owner must use a dark stain to mask the discolored or grayed wood, or (b) strip or bleach the wood for use with a lighter stain.

6.7 Repairs. Generally, when repairing a Fence that is already stained, an Owner does not have to restain the entire Fence, but must stain any repaired section of a Fence using the same stain as the rest of the Fence.

7. Maintenance. Pursuant to Declaration Section 2.28, each Owner must maintain each Fence in a neat, orderly and well-maintained condition.

8. Enforcement.

8.1 Fence Retaining – Enforcement Process. In order to promote group opportunities for economy and efficiency, (a) the Management Company must identify all Fences requiring restaining between Labor Day and December 31 of each year, and (b) applicable Owners will have from January 1 to Labor Day of the following year to complete the required restaining. Generally, an Owner must restain a Fence when the existing stain has faded to the extent that bare wood has become visible across the length of the Fence facing the street.

8.2 Enforcement Action. The Board may enforce the requirements of this Interpretation as necessary (including performing any required maintenance or modification and invoicing the applicable Owner for the costs of that maintenance or modification).

9. Promulgation. The ACC requests that the Communication Committee promulgate this Interpretation to each Owner as of the Effective Date by whatever means the Communication Committee deems appropriate. The ACC further requests that this Interpretation be posted on the Association's website for future reference by current and future Owners.