

# Brush Creek Homeowners Association

## Fence Policy and Guidelines

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The following is intended to be a guideline for the approved location and installation of fencing at Brush Creek. Please adhere to the following guideline:

*All fences must be approved prior to any work starting on any fence in the community that is installed by a unit owner or owner contractor.*

### Instructions for Approval:

1. Complete and submit architectural change request "ARC" form through the Synergy website. Click here: <https://hoaresources.sregtn.com/request-for-changes/>. PLEASE READ THE ARC FORM IN FULL! Missing a requested item will result in your application be denied. Once approved or denied, you will be notified through via email. Once notification for approval is received, you may begin construction.

### Installation and Type Guideline:

1. Fencing Types
  - a. Wrought Iron, Aluminum Alloy. Maximum 4 ft in height & White Vinyl.



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## Fence Policy and Guidelines (Cont.)

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2. Vinyl/PVC or Invisible Pet Fencing
  - a. 6 Ft. Privacy fence in Vinyl/PVC in the color **White**; or invisible pet fencing.
3. Fencing shall not be placed closer than 3 feet from the side property lines. Fencing shall not be placed closer than 7 feet from the rear property lines and fencing shall not be placed closer than 15 feet from the property line on the front of any lot.
4. It will be the responsibility of all owners to call Tennessee One-Call and any utilities not a part of Tennessee One-Call's system to locate utilities before digging.

5. It will be the responsibility of all owners to ensure fences are within their property lines. Surveys are the responsibility of the owner(s).
6. In addition to these regulations the homeowner is responsible for complying with any fence regulations imposed by the City of Fairview, Tennessee.

#### **Brush Creek CC&R's:**

6.4.16. Fencing. Fences may be erected on a Lot between the rear of the Dwelling Unit and extended to the side property lines and the back property line with advised caution at Owners' liability of fencing over or into any applicable easements as may be shown on the recorded plat. All fencing shall comply with the following:

(a) Fences shall be limited to the following approved fencing styles: (i) a black painted aluminum alloy or other similar material not in excess of 4' in height to be approved by Declarant or the Board pursuant to Section 5; (ii) a 6-foot privacy fence in Vinyl/PVC in the color white; or (iii) invisible pet fencing, so long as it meets the following: (1) the fencing shall not be placed closer than 3 feet from the side property lines, (2) the fencing shall not be placed closer than 7 feet from the rear property line of any Lot, and (3) the fencing shall not be placed closer than 15 feet from the property line on the front of a Lot. Other fence styles may be added to the list of approved permitted fence styles at the discretion of the Board or Declarant, as applicable. Applications for modifications or variances will be dealt with pursuant to Section 5 hereof.

(b) Fences around swimming pools or other hazardous water features shall not be less than five (5) feet in height, provided they shall be no lower than the minimum

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required by law to circumscribe a pool. Wrought iron or aluminum alloy fences are allowed for this purpose.

(c) If a fence is located within an easement, it shall not be placed in a location where it hinders the use of intended easement or alters the storm water drainage. The Board expressly disclaims liability regarding the placement of a fence by an owner in any easement area, even where the Board has approved installation of the same.

(d) Notwithstanding the foregoing, no fencing (including invisible dog-type fencing) or walls shall be permitted on any part of the Common Elements, without the prior written consent of the Board, or during the Development Period, Declarant.

(e) All fencing on any Lot must be well-maintained at all times. If at any point in time a fence located on a Lot becomes unsightly, unsafe, damaged, or in disrepair, at the sole discretion of Declarant or the Board, as the case may be, Owner shall promptly remove or repair such fence from the Lot upon receiving written notice to do so from Declarant or the Board, as applicable.

(f) If a fence permit is required by county or any city ordinances, then Owner will be required to obtain such permit. Prior to erecting any fence on a Lot, a proposed fence site plan must be submitted to the Design Review Committee for Architectural Review and approval. The required fence site plan must show the location of the proposed fence and the style selected from the approved permitted fence styles.