

(c) All accessory structures are subject to the requirements of Section 4.19. Timely maintenance of decks is essential to preserve appearance and structural integrity. See Section 4.6.

**Section 4.16 Exterior Lighting.**

(a) Exterior Lighting as visible from immediately neighboring Dwellings shall be subdued so that neighbors don't confront bright lights shining into their houses.

**Section 4.17 Landscaping.**

(a) General landscape plans for a Lot shall be submitted by the Filer for review and approval prior to the completion of construction of a Dwelling on the Lot or other improvements to a Lot and prior to any subsequent material change to those plans.

(b) "Initial landscaping shall be completed within 1 year of date of issuance of conditional certificate of occupancy".

(c) No Owner shall landscape any Common Area or part of a Common Area, although improvements may be made by the addition of trees and natural foliage if approved by the DRC.

(d) An Owner shall do the utmost to maintain the trees and the natural wooded surroundings of the Owner's Dwelling.

(e) As a general rule, the DRC shall place greater emphasis on the landscaping of those areas of a Lot visible from roads and other nearby Lots.

(f) Special requirements for landscaping of a Lot are as follows:

1. Disruption of the natural terrain shall be minimized by grading and by controlling vehicular traffic.
2. Ground cover shall be established where disturbed for erosion and appearance reasons.
3. Man-made elements where used shall blend and be compatible with the land.
4. When possible, existing or natural drainage paths shall be preserved.
5. Snow storage and runoff shall be considered in planning.
6. Existing trees, greenbelt easements, topsoil, rock formations and unique landscape features shall be preserved and protected during construction.
7. Trees to be preserved shall be indicated on the landscape plan and shall be flagged prior to the start of construction to prevent accidental removal.
8. Homes within Potter Bluff Property must have at least two accent trees that are Amur Chokecherry, Canadian Red or Mayday, of no less than 2 inches in diameter.
9. Homes within Potter Glen must include, at minimum, six trees visible from the street, two of which will be evergreens 6-foot or higher, four of which will be ornamental. This requirement can not be changed without 80% of Potter Glen lot owners petitioning the Board.
10. Shrubbery and other decorative landscaping shall be installed around utility boxes and meters on the Lot.
11. Shrubbery and/or trees shall be provided along fences to increase the curb appeal of such fences.
12. Trees, plants, and landscaping materials should be of high quality, commensurate with the high quality of homes in Potter Creek.

13. Because of the large numbers of moose that frequent Potter Creek, it is recommended that moose excluders be installed to protect young, small trees from permanent damage. When trees attain sufficient size, these should be removed.

(g) Approvable landscape plans include a complete plan for lawn, shrubs, areas for perennials and annual color, ground cover, evergreen trees - spruce and pine, deciduous trees - birch, mountain ash, ornamental crab and cherry, among others. Particular attention shall be paid to enhancing the front entry of the house and screening utility boxes, fenced areas, or exposed walls visible to neighbors.

In addition to lawns, it is recommended that landscape plans include multiple and/or sizeable planting beds. Borders of beds can be defined using landscaping blocks or timbers, or concrete curbing, or plastic edging. Beds are planted with combinations of attractive ornate shrubs, one or more deciduous trees (2 inch caliper or greater), and colorful flowers and greenery. Larger beds may include aesthetic walkways. Exterior lighting may be added.

(h) In Potter Creek, the standard expenditure for landscaping will be 3% or greater of the home's value including property. This expenditure applies to lawns, trees, shrubs, plantings, and greenery and the construction of attractive landscaping beds. Excluded from the 3% value are (large) retaining walls installed to stabilize embankments, and to support driveways, foundations and perimeter lot lines. This exclusion is necessary to avoid expensive retaining walls from consuming the expenditure intended for greenery.

In several of the older areas of Potter Creek, there are homes with limited landscaping. These homes were constructed before 3% landscaping expenditures were a formal requirement. It is recommended that owners of these homes add landscaping to bring their property up to the 3% standard. At the time of resale of these properties, the new homeowners are required to add landscaping as necessary to bring properties up to the 3% requirement.

(i) As mandated by Article VII, Sections 2-4 of the CCR's, landscapes must be maintained.

(j) Landscape plans which include improvements, modification, changes, etc. to private and/or greenbelt easements are subject to Section 4.20.

#### **Section 4.18 Fireplaces.**

(a) Proximity of trees to fireplaces and flues on a Dwelling shall be carefully considered so that trees and branches are not subjected to excessive heat and so that fire hazards shall not be created.

(b) Chimneys on a Dwelling shall be constructed with regard to the overall integrity of the Dwelling and shall not create an undue visual impact. For new construction, it is suggested that covers be built over the exhaust stacks to lessen visual impact. Covers shall blend with the design of the house.

#### **Section 4.19 Fences, Walls and Enclosures.**

(a) Prior to June 2001, fences enclosing sizeable portions of lots were permitted in Potter Creek. Experience showed that these structures often blocked views and interrupted the openness of Potter Creek. They generally compartmentalized yards and were unattractive. They often received inadequate maintenance and thus deteriorated with time. **These dynamics conflict with CCR fundamentals, and thus construction of perimeter fences is no longer permitted.** The following standards apply.

1. Existing fences are grandfathered in as long as they are maintained. If left to deteriorate, they shall be removed.
2. Limited fences may be installed as pet runs or storage areas. These shall only be located close to the rear perimeters of homes. Fences shall not protrude into side yards beyond the rear wall of the dwelling, exceed further out than 8-feet from the rear wall of the dwelling, nor be more than 150 square feet total.
3. Fences shall not exceed six feet in height; smaller fences are encouraged. Graduated height fences that enhance overall design are acceptable.
4. Modest latticework and decorative fences incorporated into the design of decks and accessory structures are acceptable.
5. The design and location of fences shall be subject to prior DRC approval.