

BOARD APPROVES NEW SIGNAGE/FLAG RULES

August 25, 2020

Dear Neighbors,

In its meeting on August 25th, the BCCA Board of Directors unanimously adopted the attached amendment to the Briar Chapel Rules and Restrictions pertaining to allowed yard signs and flags on residential lots in the community. The Board wants to thank the community for the feedback received and for engaging in the process of dialog with the Board that has helped to shape the final version of this rule.

We understand and have heard the wide-ranging community concerns that have emerged in considering this topic. The Board received comments and written feedback from more than 100 Briar Chapel owners, with comments ranging from support for banning all signage, to allowing any and all signage, to allowing some categories of signage but disallowing things that were deemed to be offensive. More than 90% of the community's residents chose not to respond to the proposed rule.

While the Board recognizes that it does not enact these rules in a vacuum, the Board is committed to continuing the work it pledged to do transitioning the community from developer control to the governance by a homeowner-elected board of directors. In December 2019 the board prioritized the community sewer system, recreational amenities, community management, and covenants enforcement as critical issues requiring board action in 2020. The pandemic shutdown slowed progress on all those fronts, but our covenants enforcement priority was also delayed by the need to address community management standards as a precondition for changes to enforcement practices.

The attached new rules regarding allowed signage and flags in the community are grounded in the intent to maintain a natural and uncluttered aesthetic appearance of lots in Briar Chapel. Despite the sporadic enforcement of covenants, rules and guidelines under developer-controlled prior boards, the current board accepts responsibility and accountability for acting in the best interest of the community and for enforcing the covenants that we all bought into when we purchased our homes in Briar Chapel. At the same time, the Board agrees that there is a need to accommodate freedom of expression and to recognize the diversity of our residents. Your five directors have spent hours poring over possible variations to consider all of the comments raised. In the final analysis, the board felt that creating clear, objective and reasonable criteria was important. For example, in allowing decorative flags to be defined as containing any text or images, we looked to the U.S. Supreme Court's decisions on protected First Amendment speech. We know that the attached rule will not make everyone happy, but it does reflect what your board unanimously believes is in the best interest of the community and in keeping with our Briar Chapel covenants and rules.

Consistent with the Briar Chapel Covenants, the Board wants to clarify the requirements for a community vote on any issue. Many of you may have seen a document styled as a petition that was being circulated to offer an alternative rule on signage. First, the Covenants are clear that the Board can change the rules and restrictions at any time provided a draft of the rule is published at least five days prior to the Board vote, and provided that the new rule cannot be enforced until at least 30 days after the Board votes and publishes the rule to the community.

The Covenants also provide for a procedure to allow members to vote on any change to the rules and restrictions; however, such a vote would require the positive votes of more than 50% of the entire 2,442 community lot owners to change the rules. A change to the Covenants is an even higher threshold – 67% of all lots.

Enforcement of the new rule will begin on October 1st, allowing more than 30 days from the date it is being published. With campaign signs allowed to go up on September 18th, please keep in mind the size restriction (26 X 26 inches) and number restriction (no more than two campaign signs on your lot).

Thank you for your participation and patience and we hope to see continued engagement from the community at our open virtual board meetings and future Town Hall sessions. As always, please feel free to use the Briar Chapel Life website with any of your questions, comments or suggestions.

Sincerely,
Your BCCA Board

Shelley Colbert
Jerry Cole
Jennifer Drake

Jim Proper
Tom Speer

BCCA SIGNAGE AND FLAG RESTRICTIONS AND RULES

Effective Date: October 1, 2020

WHEREAS, Section 3.2(a) of the Declaration of Covenants, Conditions and Restrictions for Briar Chapel ("CCR's") authorizes the Association's Board of Directors to amend the Restrictions and Rules for Briar Chapel ("Restrictions and Rules") and shall provide notice to the membership of any such change at least 5 business days prior to the Board meeting at which any proposed rule change is to be voted upon by the Board; and

WHEREAS, Section 3.2(c) of the CCR's requires the Board to publish to the membership any newly adopted Restrictions and Rules a minimum of 30 days in advance of such rule's enforcement date; and

WHEREAS, Section 3.2(d) of the CCR's provides that nothing in the Rules and Restrictions can conflict with the Design Guidelines for Briar Chapel ("Design Guidelines")*, and in the event of a conflict, the Design Guidelines shall control; and

WHEREAS, the Design Guidelines, Chapter 8, allow for the specification of Restrictions and Rules regarding yard signage and political signs in compliance with CCR's and properly adopted Restrictions and Rules; and

WHEREAS, the Design Guidelines, Chapter 8, provide that decorative flags on poles attached to the house are permitted and are limited to only one flag/pole per house; and

WHEREAS, the Design Guidelines, Chapter 8, further provide that only the standardized "For Sale" sign is allowed when selling a residence, as defined on Appendix 96 to the Design Guidelines and further extensively regulated in said Chapter 8 of the Design Guidelines; and

WHEREAS, the BCCA Board of Directors finds it in the best interest of the community to adopt the following Restrictions and Rules to provide clarity and consistency for the community, as well as protecting the overall intention for the community to be cohesive without being homogenous, and to allow for the preservation of green space which is intended to tie the community to its natural environment.

NOW THEREFORE, the Board of Directors adopts the following revisions to the Restrictions and Rules for Briar Chapel, attached as Exhibit C to the CCR's, and the following revised Restrictions and Rules will be recorded in the land records of Chatham County and will become effective and enforceable on October 1, 2020:

1. Subparagraph 2(u) of the Restrictions and Rules for Briar Chapel, attached as Exhibit C to the Declaration of Covenants, Conditions and Restrictions (reference 11th Amendment to Declaration of CCR's renumbering said subparagraph, Book 2077, Page 367, Chatham County Registry) is deleted, and the following is inserted in lieu thereof:

“2(u) Signage and Flags.

The purpose of this rule is the regulation of signs on residential property,

1. to promote and protect the aesthetic character of the community;
2. to permit the maximum readability and effectiveness of signs while preventing improper placement, excessive size, and protracted display time; and
3. to provide limiting controls, where necessary, to preserve community appearance and aesthetic values by accomplishing the following:
 - a) providing a pleasing overall residential setting and good community appearance
 - b) accommodating freedom of expression for Owners in the community through the allowed display of Decorative Flags

These rules supersede all previous signage rules and restrictions other than those set forth in Chapter 8 of the Briar Chapel Design Guidelines for decorative flags and “**For Sale**” signs. Only signs which comply with the following guidelines may be placed on any residential Lot within Briar Chapel:

Definitions:

The GENERAL DEFINITION of a sign is any material item used to communicate or convey messages in a variety of means and places to any and all audiences who view the image.

More specifically, where used herein,

SIGN means any:

1. surface, fabric, structure, or device bearing lettered, pictorial, or sculptured matter (including symbols, emblems, flags, and banners) designed to convey information visually and which is exposed to public view, or
2. any structure (including billboard or poster panel) designed to carry the above visual information and which is exposed to public view; and either of which directs attention to any realty, product, service, place, activity, person, institution, performance, promotion, commodity, firm, business or solicitation and
3. For the sake of clarity, a Decorative Flag (as defined and regulated hereinbelow) that is displayed on a pole attached to the house as required in the Design Guidelines is not a “Sign”. A flag or banner is only a “Sign” for purposes of this definition if it is not displayed on a pole attached to the house as required in the Design Guidelines.

Decorative Flag means a flag that contains symbols or text, provided same does not display an obscene or pornographic language or images. By way of illustration only Decorative Flags may include the name of a sports team, or the name or initials of the family residing on the Lot, the flag of another country or state or branch of the military, or a flag expressing support for an activist movement.

Political Campaign Sign means any SIGN (as defined herein) which is intended to influence the outcome of an election, including supporting or opposing a candidate or specific issue to be decided by registered voters on the election ballot.

Restrictions:

1. No SIGN shall be placed on any BCCA Common Area except for such signage as may be specifically approved by the BCCA Board of Directors. Any unauthorized signage placed in common areas will be removed.
2. No SIGN shall be placed on any residential Lot except for the following permitted SIGNS in subsections (a) through (e) below. For purposes of this Restriction, “placed on any residential Lot” shall mean placed anywhere on the exterior of the dwelling **or** inside the dwelling if such SIGN is visible from outside the dwelling. Permitted SIGNS include:
 - a. **“For Sale”** signs as allowed in Chapter 8 of the Design Guidelines;
 - b. One sign not to exceed 8 X 10 inches provided by a contractor for security services may be placed within 10 feet of any entrance to a home, provided same is not placed in the grassed yard area on any Lot.
 - c. One (1) Decorative Flag as allowed in Chapter 8 of the Design Guidelines and as further defined below, provided same must be displayed on a pole attached to the house as required in the Design Guidelines – no freestanding poles are allowed, and of a size no larger than 4 X 6 feet.
 - d. In addition to one (1) Decorative Flag, or in lieu of a Decorative Flag, the official flag of the United States of America and/or State of North Carolina may be flown, provided same must be displayed on a pole attached to the house as required in the Design Guidelines – no freestanding poles are allowed, and of a size no larger than 4 X 6 feet. (**For the sake of clarity, a maximum of 2 flags per lot may be flown, and only one of those may be a Decorative Flag. The intent of this rule is to allow Owners to fly both a Decorative Flag and a US or NC flag simultaneously if they so choose; or, Owners may fly the US and NC flags simultaneously if they so choose; or Owners may fly only one flag if they so choose, which could be either a Decorative Flag or a US or NC flag.
 - e. Political Campaign Signs only in accordance with the following restrictions:
 - i. A maximum of 2 Political Campaign Signs per lot shall be allowed during the campaign period as hereafter defined.
 - ii. The maximum size of any Political Campaign Sign shall be 26 X 26 inches, except that a Political Campaign Sign that is a fabric flag affixed to a pole on the house may be up to 4X6 feet in overall size.
 - iii. The construction of the Political Campaign Sign is to be weather resistant, of durable material, with integral support to avoid dislodgment of the Political Campaign Sign.

- iv. Political Campaign Signs may be posted no earlier than 45 days before the date of the election being supported and must be removed no later than 7 days after the date of the election.

*Current version is the 2019 Design Guidelines.

ENACTED by unanimous vote all of directors of the Briar Chapel Community Association, Inc. in a duly called meeting of the Board of Directors on the 25th day of August, 2020.

ATTESTED:

Jerry Cole, Secretary