



BRIARWICK HOMEOWNERS ASSOCIATION, INC.

ARCHITECTURAL REVIEW GUIDELINES

**Adopted by the Board of Directors
September 9, 2008**

Section 19 (Fences) - Revised January 2010

Mission Statement and Adoption of Guidelines

The Florida Legislature made significant changes to the Homeowner Assn. statutes with respect to Architectural Control. They now require that specific, detailed standards be contained in the Declarations, or Rules and Regulations or Architectural Guidelines in order to regulate modifications, alterations and additions to properties by the Association.

In response to these legislative changes, the Board of Directors has developed and adopted detailed standards for location, size, type and appearance of structures, improvements and alterations. They are meant to help homeowners understand the required Briarwick HOA architectural review process and are subject to change and expansion as and when needed. This is not intended to stifle individual creativity; rather, our intent is to maintain consistency and retain the high quality of homes in our community.

This document is an addition to the Architectural Control section of the Declaration of Covenants, conditions and Restrictions for Briarwick, Article VI, page 8. Enforcement of these design criteria is per those restrictions.

Approval of the Association is required for any improvement or structure of any kind, including, but not limited to, any building, fence, wall, swimming pool, screened enclosure, water or sewer lines, drain, mailbox, solar energy device, decorative building, landscaping, landscape object or other improvements planned to be started, built, placed, or maintained upon any dwelling unit in Briarwick. Any addition, modification or alteration thereof or thereto may not be made unless and until the plans, specifications and location of the same shall have been submitted to and approved in writing by the Association.

Applicants are solely responsible for determining whether the completed improvements described in the approval comply with all applicable laws, rules, regulations, easements, codes and ordinances; including but not limited to, zoning ordinances, subdivision regulations and building codes. The Homeowners Association Board of Directors and Architectural Committee shall have no liability or obligation to determine whether such improvements comply with any such laws, rules, regulations, codes ordinances.

Please review the enclosed defined policies and procedures and refer to the respective policy and procedure when submitting requests for exterior changes, modifications or additions. We have tried to cover as many instances and options as possible regarding design, construction, renovation and modification of the exterior of homes but may not cover every situation.

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GUIDELINES

1. Site Plan:

Homes must follow the master site plan as placed on file with the building department.

2. Grade:

Existing homes may not change the grade of their lot in any way in which to interfere or change drainage as originally designed for their particular lot. Any additions, pools, or other improvements must be designed to protect the original intent of the land planners.

3. Driveways, sidewalks, & entry walkways:

All driveways and walkways to be free of mildew, grass, weeds and stains. All driveways and walkways (defined as sidewalks from driveways to residence) must be paved in their entirety either with concrete or pavers. Tile and asphalt driveways are not permitted. At the location where the driveway meets the street, sidewalk or curb, the materials must be flush with each other, with no change in height. Gravel, dirt, stepping stones, mulch, asphalt, grass or any other live ground cover, may not be used as paving materials. Driveway coatings that can create colors and patterns are permitted. Driveway coating material must be good quality concrete stain, not concrete paint. All driveway coating material and stained concrete must be free of chipping, cracking or peeling and fading. Designs and pictures on driveways are not permitted. Solid colors only are permitted.

Sidewalks, including that portion that transects the driveway, may not be painted.

Driveways may only be as wide as the garage. Street sidewalks must be maintained as originally installed (five (5) feet wide) and entry walkways must be two to three (2 to 3) feet wide.

Side yard property walkway(s) may be made of pavers or stepping stones. Concrete or asphalt walkways are not permitted. Side yard walkways shall not exceed half the width of the side yard or be greater than 4ft wide and must be 6 inches from side property line between homes. Side yard walkways must be even with the grade of the properties. Side yard walkways must also be maintained in a clean and weed-free condition.

4. Mailboxes:

Maintenance: All mailboxes and posts to be free of moss, mildew and water stains.

Wooden posts to be free of rot, insect damage or yard equipment damage and repainted when needed. Mailboxes to be repaired or replaced if dented, rusted or otherwise damaged. All mailboxes must have a wood, vinyl or anodized metal post (4"x4") and a standard (streamliner) size box. No thematic, concrete, stucco, brick, or pictorial decorative mailboxes are allowed. White, black standard mailboxes or those painted the color of the home or trim or cedar mailboxes with natural wood or semi-transparent stain or white posts are the general standard. The house number must be displayed on the post and/or the mailbox in addition to being displayed on the home as defined in section 16.

Miscellaneous: Permanent mailbox thematic coverings are not permitted but seasonal removable coverings are allowed.

5. Additions:

a. Any addition to a house must have the following criteria:

All materials, roofing, stucco, colors, fascia, trim, doors, windows, roof pitch, and wall height must be identical to the existing residence. It cannot be obvious that an addition was created. All additions that can be seen from the front street (and side street if on a corner lot) must follow all of the above criteria plus the following additional consideration: A second story addition on a one-story house may not create a “side heavy” or “lopsided” front elevation. If the addition is over the garage, the front upper wall of the addition must be pushed back from the front face of the garage at least 36”. Upper floor additions are preferable if they are situated toward the rear of the home. All additions must be constructed of permanent materials with no pre-fabricated units such as carports, screen porches, or other rooms that are not site-built utilizing similar materials as the original home. This does not apply to screen cages that are for swimming pools and sun rooms which are addressed separately.

Any additions to the front of a house that is not an upper floor addition on a one-story house must be in proportion to the existing residence and follow all of the guidelines as set forth in this section and section 9 of this manual and meet all setback requirements. Any replacement of materials in the course of routine maintenance shall be “like for like”.

b. Additions-Sun rooms

All sun rooms must be only on the rear of the home. The wall height shall not be higher than the wall it is connected to, nor shall the roof be higher than the roof of the house. The sunroom must be manufactured and installed by a contractor licensed to conduct business in the State of Florida. The sun room must meet all hurricane requirements as set forth in the state building code. Contractor must certify that the enclosure meets or exceeds State of Florida Hurricane construction statutes.

6. Screen Enclosures (cages)/Pools:

Acceptable frame colors are black, bronze, and white. Screens must be black or charcoal. The screen enclosure wall height may not exceed the wall height of the house where it is attached and may not exceed the height of the house roof. Screen enclosures are permitted for pools, covered porches, and open patios in rear yards or in an internal courtyard area of the structure. All pools must have a screen cage constructed at the same time the pool is constructed. All screen enclosures for these purposes must attach to home. The screen enclosure must be manufactured by a contractor licensed to conduct business in the state of Florida. The screen enclosure must meet all hurricane requirements as set forth in the current Florida building code. Above ground pools are not allowed. Pool enclosures to be mildew free, with screens in good repair.

7. Other screening:

Any portion of the front of a home that faces the street may not be screened except for a screened front door. Screened in front porches and screened garage doors are not permitted.

8. Roofing: All roofs must be mildew and stain free. Acceptable roofing types include:
 - a. Minimum thirty (30) year dimensional asphalt shingle.
 - b. Barrel or “S” tile roof, either clay or concrete. High gloss glazed tile is not acceptable.
 - c. Concrete or clay flat tile roof
 - d. Pre-finished metal vertical panel and metal tile roofs that meet the Florida Building Code.
 - e. No other roofing materials, including but not limited to rubber, cedar shakes are allowed. All flashing and drip edges are to be painted or pre-finished a matching color to the surface it is adjacent to. These materials are not to be left in their galvanized state. Wood trim to be free of rot or insect damage.
Roofing Colors: Any color that complements to color of the house is acceptable. However, no bright, glossy, or pastel colors are acceptable. Blacks, browns and tans, reds, greens, grays, and whites are acceptable. Roofing material that has a mix of color is also acceptable, but there must be a distinguishable main color to the approved material.

9. Exterior ornamentation:
 - a. Stone and Brick Accents: may be added to the home. They must not cover more than 50% of the front surface of a home (not including the surface of the garage doors or windows). Man made stone and brick facing is acceptable. Stucco brick is not allowed. All facing must be installed by a licensed professional per the Florida Building Code. Colors are to complement the existing or proposed colors of the home.
 - b. Banding, trim, and foam products: Additional banding and other foam trim and accents (brackets, dimensional bands, keystones, etc.) may be added to the home. Cultured stone trim products may also be used. No score lines in stucco are allowed unless the home was originally created with score lines as accents. All banding around openings (windows, doors, garage doors, archways, and porch openings) may not exceed 8” in width and 4” in depth. All banding and other accents must be painted the trim color of the home, unless it is a cultured stone product, in which it can be left in its natural state.
 - c. Glass block windows are not allowed on the front of any home.
 - d. Stained glass windows similar in color with those currently existing in the community are allowed.
 - e. Windows: UV Protective film is permitted to be applied on the inside of windows. All windows and their screens must be in good repair.
 - f. Exterior lighting: Garage pillar lighting (coach lights), garden accent lighting and entry walkway lighting is permitted. Security light fixtures with two bulbs are limited to one (1) only per side of the home and light should be adjusted to shine only on the individual homeowner property. Ornamental lanterns in front yard (post light) or similar is restricted to one only. Fencing lighting is not permitted on top of fences; however it is acceptable if lighting is mounted onto inner fence

(the side facing the home). A driveway motion activated spotlight is permitted but must be adjusted to shine on the individual homeowner property only. These guidelines allow for seasonal decorative lighting, as long as the lighting is removed within fifteen (15) days after the holiday. All light bulbs used for outdoor lighting (except seasonal lighting) must be white.

- g. Awnings: Canvas awnings are allowed, with no other material being approved. No prefab, retractable awnings are permitted. Color, proportion, and size must complement the home and be maintained in a clean and undamaged condition. Installation must meet or exceed State of Florida Hurricane Statutes.
- h. Shutters: Vinyl or genuine wooden shutters (not stucco, score lines, or foam) are permitted. Color, proportion to window, and size must complement the home and be maintained in a clean and undamaged condition. Installation must meet or exceed State of Florida Hurricane Statutes.
- i. Flagpoles: Permanent freestanding flagpoles are not permitted. A single portable wall mounted flagpole is allowed.
- j. Colors: A pre-approved color wheel and instructions on how to use is available from management. All house color combinations must coordinate (roof, fascia, soffit, wall, trim, window, and door colors). Stencils and or faux paint designs are not permitted. See Exhibit "A" and A-1" for colors.
- k. Railings & Columns: Replacement of existing structures only permitted.
- l. Entrance Doors: Wood, fiberglass, or steel doors are permitted. Glass inserts are allowed. Wood doors may be stained or clear coated. Fiberglass doors may be stained. Door color must complement color of home.
- m. Garage doors: Garage doors may be painted the approved body color or trim color (or white). Garage doors may have a single row of glass near the top of the door only.
- n. Gutters and downspouts: All gutters and downspouts shall be seamless aluminum white or painted the color of the body of the house or fascia against which it is installed.

10. Roof Utilities:

Solar panels, skylights, pool heating panels, are preferred to be located at the rear or side of the home least obtrusive from street view. No large exterior radio, television or electrical aerial or earth stations are allowed. Notwithstanding the previous, antennas, aerials, and similar devices may be maintained in the attic of individual homes, as long as the antennas, aerials, or other devices are not visible from the exterior of the home.

11. Satellite dishes:

Satellite dishes exceeding 39.37 inches as measured across the widest part of the dish are prohibited unless approved by the Architectural Committee. Homeowners must comply with restrictions regarding dish placement, installation, safety, and maintenance. Homeowners are strongly encouraged to locate their dish out of view from the front of the house. Homeowner is required to provide written proof by the cable contractor prior to installation in the event satellite signal is not obtainable except by installation of satellite on the front of house.

12. Service Units:

Air Conditioner units, pool equipment, water softeners, generators, above ground propane tanks and other similar equipment shall be screened from street front view by use of approved landscaping.

13. Signs:

No advertising signage is permitted. Only one For Sale sign or For Rent sign is permitted on the lot and may not be installed in the area between the sidewalk and roadway. Only one campaign sign is permitted per lot two (2) weeks prior to Election Day and may not be displayed between the sidewalk and roadway. Campaign signs must be promptly removed after Election Day. In accordance with Florida Statutes, owners may display a sign provided by their security company within ten (10) feet of any entrance. Under no circumstances can any sign be larger than 12" x 12". No "Invisible Fences" or electric fences are permitted in front yards. All approved signs must be professionally made.

14. Construction:

All contractors must be licensed to conduct the work on which they are completing. All permits as required by the local building jurisdiction shall be obtained. All construction shall meet the current building code as required. No advertising signs of the contractors are allowed during or after construction.

15. Landscaping:

- a. Street(s) visible landscaping curbs and edging: brick, concrete, metal, heavy plastic, or stone may be used as edging material to create an edge between planting beds and grass or adjacent to paved areas (driveway/walkways) if part of a planting bed. The edging material must be continuous from one end of a planting bed to the other end. They must be maintained in good and neat condition and any broken or otherwise damaged or discolored edging has to be removed or replaced. Originally installed and/or existing beds may not be altered in size without approval.
- b. Arbor and Trellis: A single wall trellis or arbor in a front or side yard is allowed per lot. The wall trellis or arbor can be made from pressure treated wood, vinyl or metal. If it is painted, it must be kept in good condition. Any rotting, rusting, or otherwise unsightly wall trellis or arbor is not allowed. If plants are growing on the wall trellis or arbor, they must be kept trimmed close to the trellis. The largest wall trellis allowed in a front or side yard is four (4) feet wide by six (6) feet tall; largest arbor same and by three (3) feet deep. The wall trellis or arbor must be level and properly secured to the ground or adjacent wall. No free standing trellis is permitted. Trellis type material is not approved fencing material.
- c. Statues and yard ornaments: Large thematic statues, fountains ponds or waterfalls are not allowed in front or side yards. The largest yard ornament allowed in a front or side yard is two (2) feet wide by two (2) feet deep by three (3) feet tall. No home may have more than a total of two (2) yard ornaments on the visible portion of the property. No ornament that is of questionable taste (i.e. nudity) or otherwise offensive to religious, racial or other social issues is allowed. Large potted plants (i.e. trees, large palms) are considered yard ornaments and are included in these requirements. Pots of plants that can be easily picked up and moved are permitted on front or rear porches only. All yard ornaments to be

level, secured in place, and kept in clean working condition. This section does not exclude seasonal decorations; however as per the seasonal lighting guideline all seasonal decorations must be removed 15 days after the holiday.

- d. Mulch: Cypress mulch, cedar mulch, pine bark or pine straw, lava rock or red or white stone can be used for mulching plant beds. Painted stone not permitted. Sea shells and rubber mulch is not permitted. Mulch types cannot be mixed within the same yard. The mulch beds have to be kept weed free. Mulch that has been reduced due to erosion, rotting, or other factors, must be replenished in a timely manner.
- e. Trees, shrubs and hedges to be trimmed and disease free. Dead plant materials shall be removed immediately from the premises and properly disposed. Dangerous, nuisance trees and limbs, or trees that are damaging property that need to be removed may be done so per building jurisdiction procedures. All stumps to be removed and remaining depressions leveled and landscaped. Dead trees and vegetation must be replaced within 30 days. Branches and palm fronds to be trimmed to 12' above roadway as mandated by East Lake Fire Dept. Queen palms are the only landscaping alteration permitted within the Common Area between the sidewalk and the street. All Queen Palms must have a 10" diameter mulched ring at their base that is free of grass and weeds.
- f. Retaining walls: If a retaining wall was created with the initial development of a house, it cannot be removed, and must be kept in good repair. If damaged it must be replaced substantially similar to old design. No retaining walls may be added at any time. However, if a retaining wall is required to be added in the rear yard to create a level surface for pool construction, one may be added that is only as large as the area of the screen enclosure. All retaining walls must not impede or otherwise change the drainage of the property.
- g. Irrigation systems are required and they must be maintained in good working order.
- h. Artificial vegetation of any type is not allowed.
- i. All grass is to be St. Augustine or Floritam varieties throughout all yards. All dead, diseased or weed-filled grass is to be treated in a timely manner and replaced when needed to cover bare or permanently damaged areas. All grass around walkways, driveways, and landscape beds to be edged on the same schedule that the grass is mowed. A minimum 50% of each front yard lot must be grassed.

16. Hurricane Shutters:

Hurricane shutters and covering, or a combination of shutter types, can be used that meet the 2002 Florida Building Code or later revisions applicable to Pinellas County. Other products, materials and types of hurricane protection will be considered on their own merit by the Board of Directors or ACC. They may be in place 72 hours prior to an impending storm and must be removed 72 hours after the all clear is broadcast. The only visible piece of a hurricane shutter allowed to remain in place is anchoring bolts or tracking to the house and those bolts and/or tracking must be painted the same color of the house they are adhered to. Any covering must be stored out of sight by the homeowner.

17. Detached accessory structures: (generally all separate structures are not permitted)
- a. No exterior storage is permitted. This includes but is not limited to storage sheds, cupboards or other storage receptacles, ladders, wheelbarrows, yard maintenance equipment, bicycles, children's toys, etc.
 - b. Guest houses and detached garages are not allowed
 - c. Decorative gazebos, large trellis structures, and pool cabanas not permitted unless within a screen enclosure.

18. Play equipment and structures, Playhouses and Trampolines:

- a. Swing sets/play complexes/playhouses/trampolines/jungle gyms are not permitted in front yards. They are permitted at the rear of the home except not in drainage or other easements that exist on the property. The equipment must be compliant with the safety regulations at the time of purchase, and maintained in such a manner. Landscaping or fencing may be required and/or necessary to obscure equipment if it can be seen from the front of the property. A waiver to exclude Association liability shall apply during the approval process for these units.
- b. Playhouses: playhouses are not permitted in front yards. They are permitted at the rear of the home except not in drainage or other easements that exist on the property. The equipment must be compliant with the safety regulations at the time of purchase, and maintained in such a manner. Landscaping or fencing shall be required and/or necessary to obscure playhouses if it can be seen from the front of the property. It is recommended that they are within a screen enclosure if one exists on the property. The equipment must be compliant with the safety regulations at the time of purchase, and maintained in such a manner.
- c. Tree houses: not allowed
- d. Skateboard ramps: All ramps must only be used within the confines of a driveway and are to be removed from public view when not in use. Skateboards are not permitted on the common area streets or sidewalks.
- e. Basketball hoop: One portable basketball hoop is permitted per lot with the following stipulations: they must not be located to promote play in the street or hinder sidewalk access; they must be maintained in like-new condition at all times and must be stored away during the time of an imminent severe storm.

19. Fences:

All fences, including location, size, style and color, must be submitted in writing prior to construction/changes, for approval from the Architectural Control Committee.

- a. Location
 - i. Set back at least 10 feet from the front of the house and behind electrical meter
 - ii. May not be erected along the side of a house which abuts a street and may not extend beyond the setback of the adjacent house.
 - iii. Side yard drainage easements:
 1. The fence may not impede the flow of water.
 2. The fence may not be placed directly over a drain
 3. The fence may not be constructed within a platted conservation easement even if part of the owner's property
 4. The fence may not be constructed inside a drainage easement on

your lot adjacent to any pond/lake.

5. Homes on pond lots may not construct a fence extending beyond the rear edge of the home. Because of special considerations for pond lots, it is suggested homeowners contact the Architectural Control Committee for guidance of fence placement before application submission
6. If drains/easements must be assessed for repairs/inspection, the owner will allow for access to the easement and drains. This includes the use of large machinery, removal of posts and fencing sections as deemed necessary by the construction company. The owner will incur all expenses related to removal of and replacement of fencing materials.
7. The homeowner will be notified in writing by the Association 10 business days prior to the beginning of labor except in the event of an emergency. Briarwick HOA will ask all companies to provide a good faith estimate of the time required for project completion and will hold the company financially responsible for any damage done to homeowner's property that may occur during the project.

b. Fencing Material:

i. Not Allowed:

1. Chain link fencing with or without plastic or any other material used through the slating is not permitted
2. Bamboo fencing is not permitted.
3. Split Rail, Ranch Rail, Chicken wire or garden style fencing is not permitted.
4. Lattice panels (sold in 4x8 sheets) used as fencing are not permitted.

ii. Allowed:

1. Traditional wood fencing, board on board or shadow box style, is permitted in 4ft. or 6ft. heights. The wood fencing must be consistent with the standard quality at vendors such as Lowes and Home Depot. It is suggested that outstanding qualities in standard wood fencing material are defined as galvanized nails/screws to hold slats in place instead of "heavy duty staples".
2. PVC or vinyl fencing is permitted. Slats can be no more than 3 inches apart. Colors must be submitted with owner's request.
3. Decorative toppers are permitted with approval.
4. All contiguous panels must be of the same material.

c. Height:

- i. Fences of approved materials may be 4 or 6 feet maximum in height.
- ii. Any view facing the street must be 6' feet tall. Along rear and sides of the home 4' feet or 6' feet height is allowed.
- iii. Height transitions must be of a uniform sweep through one 6' or 8' panel of fencing.
- iv. Fence posts must be placed to avoid a wave appearance at the top.

- d. Maintenance of fencing:
 - i. The homeowner is to maintain their fence to maximize service life and in a safe, plumb and visually appealing condition. Wood fences must be free of rot, insect damage or yard equipment damage. Wood fencing should be stained and sealed in a natural wood color. It is recommended that re-staining occur every 18 months. When you re-stain the fence written approval must be submitted if you change the color from the original stain.
 - ii. All fencing should be free of stains or mildew.
 - e. Structure:

The cross section of the fence must face inward toward the fence owners home.
 - f. Connecting to neighboring fences:

Applicant must get written approval of owner of existing fence prior to making a connection to their fence.
 - g. Replacement of existing fences must follow the current approved ACC Fence Guidelines.
20. Miscellaneous:
- a. Portable barbecues must be stored out of public view after use.
 - b. Window air conditioning units not allowed at any time.
 - c. House numbers to be placed on the front of the home using clearly visible from the street numerals no less than 3” high in compliance with the 911 Street Number Ordinance. The color of the numbers to be in contrast to the house/trim paint or the surface to which they are affixed. House numbers are also to be placed on mailboxes or posts as defined in Section 4, Mailboxes.
 - d. Roadside obstacles: at no time can any home place any object adjacent to their home at the street that can cause traffic to be blocked or have to enter the on-coming lane to divert around it. This can include but not limited to: landscape materials, construction materials, deliveries of items, unused vehicles or machinery of any type, or debris of any type.
 - e. Firewood must be stored out of public view.
 - f. RV, trailer, boat storage: not permitted unless confined within a closed garage except for a maximum 24 hour period for loading and unloading.
 - g. All exterior equipment, such as water softeners, pool pumps, filters, propane tanks shall be shielded from view with shrubs or other approved barrier.
 - h. Outdoor clothes lines must be kept out of public view. Clothes lines must be portable or collapsible by one person within 5 minutes. Said clothes must be stored away when dry.
 - i. Garbage cans are to be kept inside the garage or stored completely out of public view behind an approved utility wall except for the day of scheduled pickup.
 - j. Yard debris to be bundled or bagged according to trash contractor standards and reasonably obscured from view until day of scheduled pick-up (i.e., placed to side of dwelling).