

Walls and Fences Standards

Georgetown East Association, Inc.

Overview

The purpose of these Walls and Fences Guidelines & Standards (“Standards”) is to provide clearly defined, objective standards for the walls and fences within the Georgetown East subdivision (“Subdivision”).

These Standards were promulgated by the Board of Directors pursuant to Article 22 of the Subdivision Restrictions Covering Georgetown East (“Restrictions”) and Article IV of the Amended and Restated Articles of Incorporation of Georgetown East Association, Inc. (“Articles”) and are enforceable from the date approved by the Board of Directors at a duly noticed Meeting of the Board of Directors.

Should these Standards conflict with the currently-adopted Architectural Standards, these Standards shall supersede those conflicting provisions.

Location and Maintenance Responsibility

Most walls and fences are entirely built inside an individually owned lot. In these circumstances the lot owner is responsible for maintaining the wall and/or fence.

Some walls and fences are located entirely within common areas owned by the Association. In these circumstances the Association is responsible for maintaining the wall and/or fence.

There are some instances in which the wall or fence was erected on the boundary between two lots. In these circumstances the owners of each adjoining lot are required to split the cost of maintenance proportionate to the length of wall or fence shared between the two lots. The owners of both lots must agree on wall or fence maintenance prior to initiating said maintenance. If the owners of both lots cannot agree on maintenance of a shared wall, or if the owners of both lots fail to adequately maintain the shared wall or fence after receipt of written demand from the Association, the Association may perform maintenance as it determines necessary and charge the lot owners the cost of said maintenance.

When a section of wall or fence exists on the boundary between an owner’s lot and common area owned by the Association, the Association shall have sole authority to perform maintenance on and/or replace that section of wall or fence. The cost of any such maintenance shall be split between the owner and the Association proportionate to the length of wall or fence shared between the two parcels.

If any responsible party/parties fail to adequately maintain a shared wall or fence after receipt of written demand from the Association, the Association may perform maintenance as it determines necessary and charge the lot owners the cost of said maintenance.

Perimeter Wall Responsibility

Walls facing Beacon Place Drive and Marshall Street are specifically the responsibility of the Association, pursuant to the Amendment to the Declaration of Covenants and Restrictions recorded in 1985 at Book 6123 Page 1419 et seq. of the Official Records of Pinellas County. The amendment specifically states that the Association shall be responsible for walls “[a]long the southsides of Lots 63 through 73, inclusive, adjacent to Marshall Street; and along the westside of Lot 73, and adjacent to Beacon Place Drive; along the westerly boundaries of Lots 8, 10, 11 and 12, and adjacent to Beacon Place Drive”. When unclear, the Board of Directors shall have final authority to determine if a section of wall reasonably falls within the category of walls regulated by this amendment.

Pursuant to the Association’s responsibility to maintain the perimeter walls identified above, a twelve-inch (12”) setback shall be required on the lot-side of the perimeter wall (“Setback”). The Association shall have the authority to remove any improvements or vegetation located within the Setback if determined necessary, in the sole discretion of the Board of Directors, to maintain, repair, or replace the perimeter walls. Accordingly, all owners of lots containing a Setback are advised to refrain from planting or maintaining any vegetation or erecting any improvements within the Setback.

Standards

Materials:

All stucco walls located within the Subdivision shall be repaired and/or replaced with stucco material identical to the wall being repaired or replaced.

All PVC (“vinyl”) and wood fences located within the Subdivision shall be repaired and/or replaced with either (1) tan vinyl vertical fencing or (2) stucco walls.

Fences and gates which span the space between residences on adjacent lots, and which provide access to the backyard of one or more lots (“Access Fences”), shall be repaired and/or replaced with a vinyl gate and either (1) tan vinyl vertical fencing or (2) stucco walls.

All gates located within the Subdivision shall be composed of tan vinyl vertical fencing.

Design:

All walls located within the Subdivision shall be repaired and/or replaced with walls six feet (6') in height and, if the existing wall is composed of stucco, of a design identical to the wall being repaired or replaced.

All fences located within the Subdivision shall be repaired and/or replaced with fences six feet (6') in height with "federation" post caps.

All gates located within the Subdivision shall be six feet (6') by four feet (4').

Color:

All non-vinyl fences and walls within the Subdivision shall be painted the Benjamin Moore custom color "Georgetown Beige".

All vinyl fences and gates within the Subdivision shall be composed of tan vinyl.

Existing Pattern or Scheme of Architectural Standards:

In the absence of standards specified in these Standards or in any other properly adopted standards, the Board of Directors or the Standards Committee ("Committee") may rely on an existing pattern or scheme of architecture or design within any phase of the community which reasonably puts owners on notice that only certain styles or characteristics will be permitted in the Subdivision. See Young v. Tortoise Island Homeowner's Ass'n, Inc., (Fla. 5th DCA 1987).

Roxbury Pond:

Notwithstanding anything to the contrary, Lots 1, 2, 3, 4, 5, and 6 shall maintain a picket fence facing Tract "A", also known as "Roxbury Pond".

All fences falling under this paragraph shall include a sloped panel connecting backyard fences to the picket fences. All fences falling under this paragraph shall meet the following criteria:

- Composed of tan vinyl;
- In the style of "Sanibel Fence Design – Style 1 Flat Top";
- Composed of four foot by six foot (4' x 6') sections;
- Utilizing pickets measuring one and a half inches by one and a half inches (1.5" x 1.5");
- Pickets spaced one and a half inches (1.5") apart;
- Utilize a solid rail at the top and bottom of the pickets;
- All posts capped with "Federation Caps".

Request for Architectural Changes

All exterior modifications to a lot which are visible from the road or from adjacent lots must be approved, in writing, by the Board of Directors or the Committee.

Of relevance, Article 11 of the Declaration states as follows:

Article 11. Architectural Control, Walls and Fences:

No building, wall, fences, satellite dish reception, or private television antennae, or other structures shall be commenced, or erected or maintained upon any Lot, nor shall any exterior addition to or change or alteration therein including exterior painting, be made until the plans and specifications showing the nature, kind, shape, heights, materials, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the GEORGETOWN EAST ASSOCIATION, or by an architectural committee composed of three (3) or more persons appointed by the President of the GEORGETOWN ASSOCIATION. In the event said Board, or its designated committee, fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have fully complied with. Nothing contained herein shall relieve the Owner from the responsibility of obtaining appropriate governmental approvals and permits.

A completed "Request for Architectural Changes" form must be submitted to the Committee for review prior to initiating any exterior modifications. The Board of Directors or the Committee shall issue a written verdict on approval or denial of any submitted Request for Architectural Changes form within thirty (30) days of receipt. Upon denial, the Board of Directors or the Committee shall state with specificity why the Request for Architectural Changes was denied.

The Request for Architectural Changes form may be found on the Association website or may be obtained by contacting the Board of Directors.