

## **FENCE EXTENSION REQUIREMENTS AND GUIDELINES LAS BRISAS HOME OWNERS ASSOCIATION**

1. Digging without knowing where it's safe to dig can lead to tremendous damage, causing electric, telephone, cable television, water, sewer and gas service outages or even loss of life! If digging within the state of Florida, state law requires a property owner to notify Sunshine State One Call of Florida (SSOCOF) two full business days before digging. The telephone number is: 1-800-432-4770. If digging will take place within an easement area, the SSOC must be notified and they will mark lines and cables with flags so that no damage occurs to the lines during the digging process. The property owner or their agent will have five (5) business days after the marking, within which to complete the digging and placement. See <http://www.callsunshine.com/corp/docs/englisheg.pdf>, for directions, including on page 26, a "Locate" ticket which should be filled out before calling.<sup>1</sup>
2. Even with lines thus marked, it is the property owner's responsibility to insure that no sprinkler lines are broken or damaged and that the original sprinkler spray coverage is maintained in owner's yard and neighbours' yard. If damage occurs, the property owner performing the modification will be held responsible for repair and for any losses due to their failure to repair in a timely fashion.
3. Any structure, shrubs, trees, and the like across any utility easement on a homeowner's property are subject to removal at homeowner's cost and sole risk. (See Declaration of Covenants, Restriction and Easements for Las Brisas, Section 2.6) This means that if the objects are removed by a utility, it is at the homeowner's cost for any losses that may occur. Moreover, if a homeowner has plantings in the easement area, they must ensure that they do not form a stop for debris carried by water moving toward a storm drain.
4. Installations are subject to Town of Hypoluxo building codes and require a Town of Hypoluxo building permit.
5. The fence extension must be constructed of the same material, style, size, and color as the original fence that was provided by the developer.
6. As long as adjoining property owners agree, acknowledge, and accept the associated costs – the white plastic partition that separates contiguous units may be replaced with the same style and material of black aluminum fence that was provided originally by the developer for fenced units. An Architectural Modification form is required by one of the adjoining property owners.

---

<sup>1</sup> If you wish to read the statute, see <http://www.callsunshine.com/corp/docs/chapter5562002.pdf>

7. Property owners of dwellings in buildings referred to as the “North” and “South” units of Las Brisas, can not extend a fence in the easement section of property considered to be a water drainage area or swale, which is approximately ten feet from the rear property line. A fenced area for the North and South units can extend approximately fifteen feet from the rear of the dwelling.
8. If a fence is being placed across an easement in the middle units (#141 through #165; a.k.a. buildings 9 through 13), it must be gated with gates sufficiently wide to allow entrance and egress to those who have a right to access to the easement as well as the lawn and landscaping crews. The fence must have at least one 4 foot (48”) gate that allows access for landscape maintenance. This gate may be located in the middle of the rear line property or at one of the extreme ends. This will allow the homeowner and fencing installer to position the gate so it is useful and will not impact access to utility “boxes” (cable, phone) in the easement area. The positioning of the gate also must take into account the existing mahogany trees that were planted in the easement by the developer.
9. For units #141 through #165, the following guidelines apply:
  - a. The fence extension may only extend to the rear property line and may not disturb the existing privacy hedge (ficus).
  - b. The homeowner is responsible for removing 48” (3 or 4 plants) of the ficus hedge, immediately in front of the gate position, to allow landscape maintenance access.
  - c. After the opening has been made in the ficus hedge the home owner is responsible for accomplishing either of the following:
    - i. For homes that have no overflow parking immediately behind their property there is sufficient space to replant the ficus plants 4 feet south of the opening in the hedge (along with one additional ficus plant on each end) to create “wall” in front of the opening.
    - ii. For homes that have overflow parking immediately behind their property, the ficus plants that were removed to make the opening must be replanted in 2 short rows at a right angle to the opening as to form a “key” way between the long ficus hedge and the blacktop edge of the parking space.
10. When making changes or additions of fencing material, all structures, shrubs, trees and the like are subject to final review by the Board or its designees. A complete landscaping plan should be provided with the Architectural Modification form. A diagram of all proposed changes, including measurements of fencing, must be submitted with the Architectural Modification form.

### **White Privacy Fence Resolution:**

The destruction of standing Privacy Fences throughout the property shall be reconstructed or substituted for in accordance with Article 12 of the Declaration, except that Article 12.9 shall be read as to allow for substitutions in accordance with the following resolution:

It is hereby resolved that where a White Privacy Fence existing between adjacent properties is blown down, damaged, or has been removed, the adjacent property owners may agree to the following, in the alternative, without Architectural Review Committee approval:

1. Restoration of and reattachment of the White Privacy Fence, or a substitution therefore with a fence of the same color, dimensions and appearance as the original White Privacy Fence.
2. If there is a black aluminum fence between adjacent properties which had been attached to the pre-existing white privacy fence, that fence may be extended with fencing of the same dimensions, color and material to the rear wall of the building.
3. If there had been, before the removal/destruction etc. of the White Privacy Fence, shrubs or plantings along the property line on either or both sides of the property line, the same or similar shrubs or plantings must be placed along the new black aluminum fence and/or the property line to promote privacy between adjacent properties.

In accordance with Declaration Article 12.2 and 12.3, of our Documents, costs of such repair, substitution fencing will be borne equally by both parties.

Any different substitution, repair, or alteration between adjacent properties, must be approved in the normal manner under Declaration Article 15 as by the ARC.

By order of the Board

William J. Dick  
President