

## Briarstone at Nesbit Lake Homeowners Association, Inc

This document has the Design Guidelines for the Briarstone at Nesbit Lake Homeowners' Association ("Association"). The Association's governing documents require that any modifications to the exterior of your home be approved by the Association.

These Design Guidelines are provided to you to help establish what modifications would generally be approved, however, each modification is reviewed on a case-by-case basis and based on your specific Lot. These guidelines are not intended to provide any preapproval and are subject to change by the Association.

All approvals are subject to the following conditions:

1. Change/improvement must not impede the flow of water in any drainage easement or swale.
2. For any portion of construction in any easement, owner/applicant must hold the Association harmless for any costs associated with repair/replacement of change/improvement should the Association or local municipality or local utility need to enter such easement.

At the end of this document, you will find the Association's Request for Modification Form. This form should be completed for any modification and returned to your Association Manager. The completed form can be sent to:

Fieldstone Association Management  
Chris Johnson CMCA® CPM®  
Community Association Manager  
[ChrisJohnson@FieldstoneRP.com](mailto:ChrisJohnson@FieldstoneRP.com)  
2675 Paces Ferry Road, Suite #125  
Atlanta, Georgia 30339

A completed form must be submitted through the Association for all modifications, email is preferred with all required documents in electronic form (PDF, JPEG, etc.). When plans are required, they must be submitted with the form. A form is attached to these guidelines. Additional forms are available from the Association.

# **Briarstone at Nesbit Lakes**

## Design Guidelines

**September 2023**

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**A. DEFINITIONS**

**The Declaration of Covenants** contain design review authority and broad, general objectives of the community association to protect property values and integrity of the subdivision.

**The Design Guidelines**, which may be modified from time to time, have been developed to supplement and amplify the Covenants. The Design Guidelines serve two purposes:

1. To assist the homeowner, both in designing the proposed improvement and in determining how to apply for Approval;
2. To provide criteria for consistent decisions by The Association.

**OVERALL GOAL**

The overall goal of the Declaration of Covenants and Design Guidelines is to keep the community an attractive and desirable place in which to live.

**B. APPLICATION INFORMATION**

1. The following exterior additions, improvements or modifications do **not** require a Request for Modification Review Form to be submitted **provided** certain conditions are met:  
Patios (Guideline 1)  
Exterior Lighting and Flag Poles (Guideline 2)  
Garden Plots (Guideline 3)  
Children's Wading Pools (Guideline 6)  
Repainting with the same color (Guideline 11)  
If you are unsure if a Request for Modification Review Form needs to be turned in, please submit one!
2. A completed form must be submitted to the Association for all other types of modifications. All approvals must be in writing. When plans are required, they must be submitted with the form. A form is attached to these guidelines. Additional forms are available from the Association' and the Owner's Portal.
3. The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NESBIT LAKES section 10.05 states: "In the event the Architectural Standards Committee fails to approve or disapprove in writing any proposed plans and specifications within thirty (30) days after such plans and specifications shall been submitted, such plans and specifications will be deemed to have been expressly approved, provided the proposed improvements are generally in harmony with the scheme of the Development as set forth in this Declaration." Any homeowner applying this rule must be able to prove in writing that any plans and specifications were received by the Association.

**ASSOCIATION REVIEW - ENFORCEMENT PROCEDURES**

4. Violation of the Design Guidelines and/or the Declaration of Covenants may result in the following:
  - a. Suspension of the right to vote;
  - b. Suspension of the right to use the recreational facilities and common areas;
  - c. Recordation of notice of committee violation with the appropriate court;
  - d. Imposition of a fine on a per violation and/or per day basis;
  - e. Correction of the violation by the Association with all costs charged to the violator;
  - f. Filing a lien for all fines, attorney's fees and costs to correct the violation.

**C. TIMELINESS OF WORK**

The DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR NESBIT LAKES section 10.22 states: Construction of all dwellings on a Lot shall be completed within one (1) year of the commencement date of said construction. If any Dwelling on a Lot is not completed within one (1) year of the commencement date of said construction, the Association, its employees, and agents, shall have the right, but not the obligation, to enter upon said Lot and to take such action as is necessary to complete construction of said Dwelling, with the costs thereof being assessed against the Owner of such Lot. Such Owner shall be personally liable to the Association for the direct and indirect costs of completion of said Dwelling, and the liability for such costs shall constitute an equitable charge and the same manner as other lines for the improvement of real property or by any other appropriate proceeding in law or in equity. The Association shall give notice to the Owner of such Lot prior to commencing any work.

**ALL REQUIRED PERMITS**

1. All homeowner Modification Request Forms that involve construction or alteration of a structure that requires a building permit from the local municipality(s) having jurisdiction must be submitted and reviewed for compliance with the Design Guidelines by the Association based only on the Design Guidelines, not the permitting requirements of the municipality nor any State or Federal governing agency. All required building permits must be granted by the local municipality having jurisdiction **before** submitting for association approval.
2. It is the responsibility of the homeowner to confirm if a building permit is required the local municipality for the requested structure. The Association/Board of Directors do not have the authority or the ability to inform homeowners if municipality requires a building permit.
3. The homeowner is fully responsible for obtaining the necessary permits as required by the governmental agencies having jurisdiction over the proposed improvement. The homeowner is solely responsible for compliance with the codes and ordinances of the governmental agencies having jurisdiction over the construction.

4. The Association and the Board of Directors shall not be held responsible for any modification or alteration constructed by or on the behalf of homeowners who do not obtain the proper permits. This is regardless of whether the structure is approved by the HOA, as the Association makes decisions based solely on the Design Guidelines.
5. Keep in mind that in the event a permit is successfully obtained from a local municipality or county, the Modification Request Form must be submitted, reviewed and approved before work can begin. A permit does not guarantee approval by the Association/Board of Directors.

**The contents of these guidelines, and any actions of the Association, Board of Directors or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations, or other governmental requirements. Neither the Association, the Board, nor member thereof shall be held liable for injury, damages or loss arising out of any approval or disapproval, construction or through such modification to a lot.**

## **GUIDELINE NUMBER 1: PATIOS AND WALKWAYS**

1. Submission of a form for a patio is required. The following guidelines apply:
  - a. The patio does not extend beyond the sidelines of the house and does not extend to within ten (10) feet of the side property lines
  - b. The patio does not exceed six (6) inches above ground level at any point
  - c. The existing drainage patterns are not altered in a manner that adversely impacts any adjacent properties and the drainage of the patio is directed to the homeowner's own property and properly dispersed.
  
2. Submission of a form for a walkway is required. The following guidelines apply:
  - a. Is no closer than ten (10) feet from the side property lines
  - b. The walkway does not exceed four (4) inches above ground level at any point
  - c. If the existing drainage patterns are not altered in a manner that adversely impacts any adjacent properties and the drainage of the sidewalk is directed to the homeowner's own property and properly dispersed
  - d. The width of the walkway shall not exceed 4'-0".
  - e. The form must note finish or texture if other than a natural broom finish in a unaltered concrete color.

**GUIDELINE NUMBER 2: EXTERIOR APPEARANCE, DECORATIVE OBJECTS, FRONT PORCH FLOWER POTS, LIGHTING, HOUSE NUMBERS, ETC.**

**Exterior Appearance - General**

The preservation of the character of the exterior appearance of homeowner property is the primary purpose of the Design Guidelines. In making selections or decisions, homeowners should consider the following:

1. A form must be submitted if you are repainting and considering any color change. Approval is not required to repaint in accordance with an original approved color scheme. Please review the other houses around you and select colors different from the house next door or across the street. See Guideline Number 11.
2. Window treatments that are visible to the street should be made to blend with the exterior by using a white or off-white liner so that the vibrant colors or patterns you select for the interior do not clash with your exterior colors. Window coverings must be of high quality, including professionally made drapes, shutters, or blinds. Damaged coverings must be replaced immediately. Bed sheets, blankets, newspaper, foil, and cardboard are not permitted.
3. A form for approval is not required for one (1) decorative object placed in the front or side yards or porch that is a natural color, does not exceed 18" in height and is located within 15' of the boundary of the home.

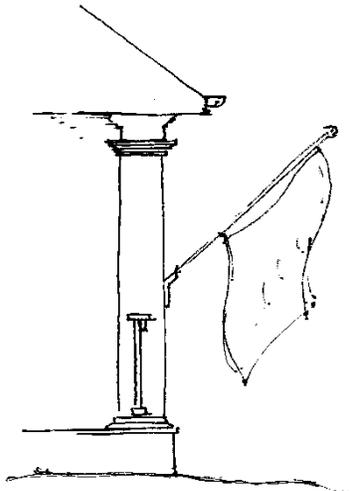
A form must be submitted for all other exterior DECORATIVE objects, both natural and manmade. Exterior DECORATIVE objects include items such as bird baths, birdhouses, wagon wheels, sculptures, statues, fountains, pools, antennas, free-standing poles of all types, flag poles, gazing balls and yard art, and items attached to approved structures and visible from any street.

4. Objects will be evaluated on criteria such as location, proportions, color and appropriateness to the surrounding environment.
5. A form is not required for landscape lights that meet the following criteria:
  - a. Light fixture does not exceed twelve (12) inches in height; **and**
  - b. The number of light fixtures does not exceed ten (10); **and**
  - c. All lighting does not exceed 20 watts rating (low voltage lighting), should be white or clear, non-glare, and shall be directed towards the homeowner's house and landscaping only.
  - d. Landscape lighting shall be located only along the walkway from the driveway to the front door/porch. Landscape lighting will not be permitted along the sides of the

driveway or elsewhere in front of the house. Up-lighting of trees and of the house will be considered on a case by case basis.

**GUIDELINE NUMBER 2: EXTERIOR APPEARANCE, DECORATIVE OBJECTS, FRONT PORCH FLOWER POTS, LIGHTING, HOUSE NUMBERS, ETC. - Continued**

6. A form is **not** required to be submitted for a single flag pole staff attached to a portion of the front of the house to display the official state flag of Georgia or the official flag of the United States of America. Such flags may not exceed **3 x 5 FT** in size. These poles may also be used for the temporary display of flags related to schools, colleges, universities, or flags such as might be used for holiday seasons. Temporary flag displays shall be limited to the season. See Figure 1.
7. Front doors and entry area decorations must be in keeping with the style and colors of the house. Live plants and live flowers in pots must always be neat and healthy. Neatly maintained front porch flower pots, containing evergreens/flowers, do **not** require submission of a form.
8. House numbers shall only be displayed in the original location.



3x5 Flag Mounted to Column

Fig. 1

### **GUIDELINE NUMBER 3: GARDEN PLOTS**

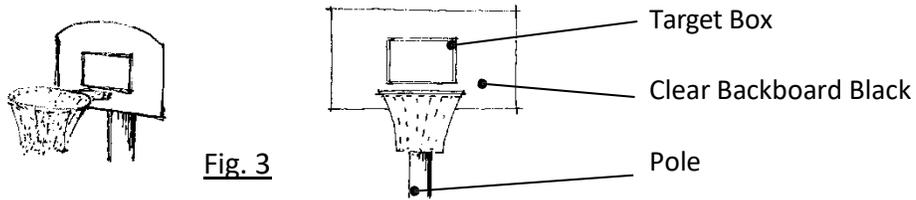
1. A form must be submitted for garden plots. No bean poles will be permitted. The following guidelines apply:
  - a. The plot is located behind the rear line of the house and ten (10) feet from the side property line; **and**
  - b. The plantings are less than 6' in height; **and**
  - c. The plot must be properly maintained per the community standards; **and**
  - d. The plot does not alter the existing drainage patterns in a manner that adversely impacts any adjoining property; **and**
  - e. The maximum area is 10'x10'; **and**
  - f. Garden must be screened from any street view. See Figure 2.
2. All garden plots must be located behind the rear line of the house. All other proposed locations will be considered on an individual basis when a form is submitted.
3. Garden plots are planting areas or beds that contain anything other than ornamental plants, such as vegetables and herbs.
4. Garden plots shall be cleared of dead plants and overgrowth after the growing season.

#### **GUIDELINE NUMBER 4: PLAY EQUIPMENT, PLAY HOUSES**

1. A form is required to be submitted for all play equipment. The following guidelines apply:
  - a. In the rear yard; **and**
  - b. Within the extended sidelines of the house, with the placement in the middle 1/3 of rear; **and**
  - c. Within the screened fenced area of the yard, if yard is fenced; **and**
  - d. Such that it will have a minimum visual impact on adjacent properties as determined by the Architectural Review Committee (“ARC”); **and**
  - e. The play equipment or associated landscaping materials do not alter the existing drainage patterns in a manner that adversely impacts any adjoining property; **and**
  - f. Trampolines must be screened from any street view.
2. Metal play equipment, other than trampolines, is NOT permitted, exclusive of wearing surfaces (slide poles, climbing rungs, swing seats, etc.). Bright colors in general are not allowed. Play equipment should be constructed of natural materials and colors. All colors should be natural earth tones such as dark green, tans and browns. All play equipment play houses and tree houses must be properly maintained.
3. A baseball backstop or similar item is **not** play equipment and must comply with the fence guidelines.
4. A form **must** be submitted for all play houses.
5. Playhouses must be located where they will have a minimum visual impact on adjacent properties. In most cases, material used must match existing materials of the house and the playhouse or tree house is not to exceed sixty-four (64) square feet and/or 12 feet in total height.
6. Appropriate evergreen landscaping shall be used to screen around the playhouse.
7. Playhouses will not be permitted in common areas.

## **GUIDELINE NUMBER 5: BASKETBALL GOALS**

1. Basketball goals on individual Lots are discouraged due to the proximity of houses in the community and the potential for disturbing the peaceful enjoyment of neighbors. In-ground basketball goals are permitted on a conditional basis. See Figure 3. A form must be submitted and will be considered if **all** the following requirements are met:
  - a. The post is painted black;
  - b. A drawing accompanies the form showing the proposed location.
  - c. The backboard is clear.
  - d. Permanent goal is located no further forward than the front line of the house.
2. Owners must maintain the appearance of the pole and goal at all times.
3. If freestanding or portable, goal must be kept close to the house except when in use.
4. No goals may be attached to the exterior of the house, deck, etc.

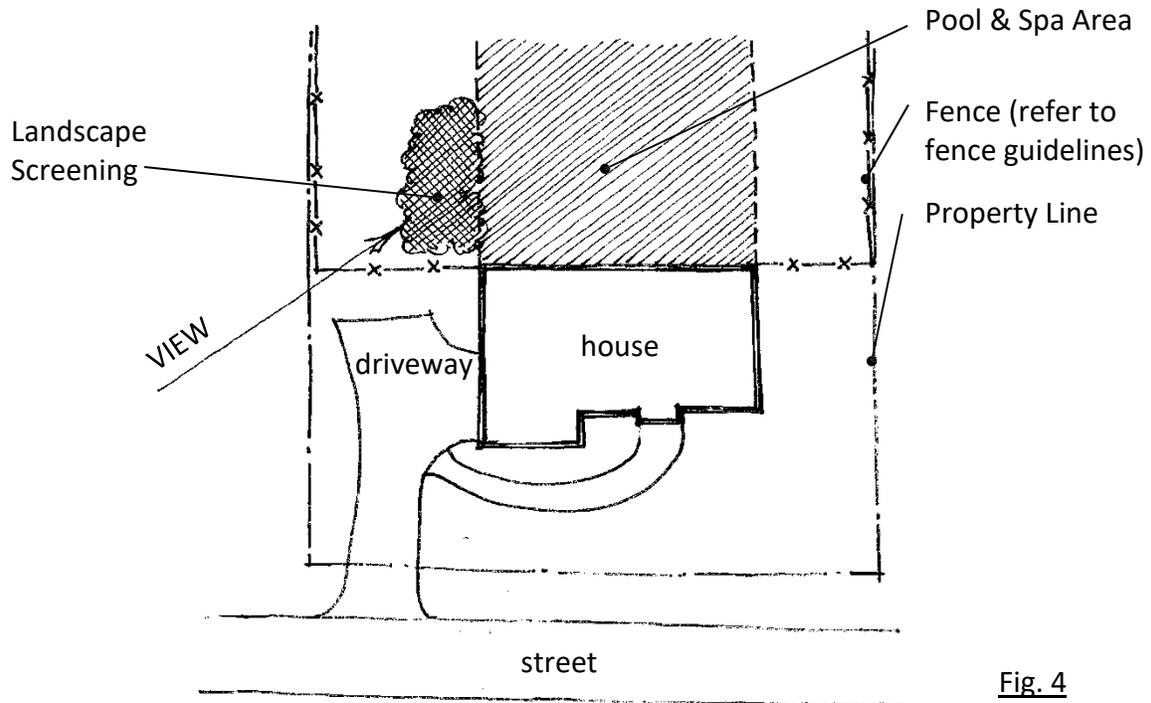


## **GUIDELINE NUMBER 6: PRIVATE POOLS, LANDSCAPE PONDS and FOUNTAINS**

1. A form is **not** required to be submitted for children's portable wading pools (those that can be emptied on a nightly basis) that do not exceed eighteen (18) inches in depth and whose surface area does not exceed eight (8) feet in diameter.
2. Above ground pools are prohibited.
3. A form **must** be submitted for **ALL** in-ground pools and ponds:
  - a. All forms for a pool addition shall be submitted with a drawing of the property that accurately depicts the location of the house, property lines, building setbacks, decks, easements and any other elements that may restrict the location of the proposed pool. See Figure 4. The drawing shall be prepared to a scale of 1"= 10'. The drawing shall dimensionally depict the proposed location of the pool and pool deck, pool equipment and any other related improvements. The proposed drainage plan shall be clearly indicated including all existing drainage conditions. All proposed materials and colors should be indicated on the drawing. The drawing shall indicate the location and type of silt fence to be installed and maintained during construction. Existing trees and other landscaping that are to be removed to accommodate the proposed pool improvements shall be marked with ribbon for review by the ARC prior to removal.
  - b. The appearance and detailing of all retaining walls must be consistent with the architectural character of the house. Retaining walls shall not exceed 4'-0" in height. Walls exceeding 4'0" in height will require an engineered drawing and building permit. All retaining walls shall be located a minimum of 3'-0" clear of any property line to allow for drainage and the maintenance of the wall. Some terracing may be acceptable.
  - c. Fencing for lots with pools and spas must comply with the fence guidelines and county building codes (if applicable).
  - d. Glaring light sources, which can be seen from neighboring lots, shall not be used.
  - e. The pool area shall be enhanced with landscaping and all pool equipment shall be screened with evergreen landscaping.
  - f. Pool equipment shall be located a minimum of 15'-0" from any adjacent property and shall be behind the rear plane of the house.

**GUIDELINE NUMBER 6: PRIVATE POOLS and LANDSCAPE PONDS - Continued**

- g. Dirt excavated shall not be stored on the lot longer than one calendar week. All stored excavated dirt shall be immediately covered with straw to prevent erosion and be provided with appropriate erosion control mechanisms.
- h. A construction timetable is required, including a completion date.



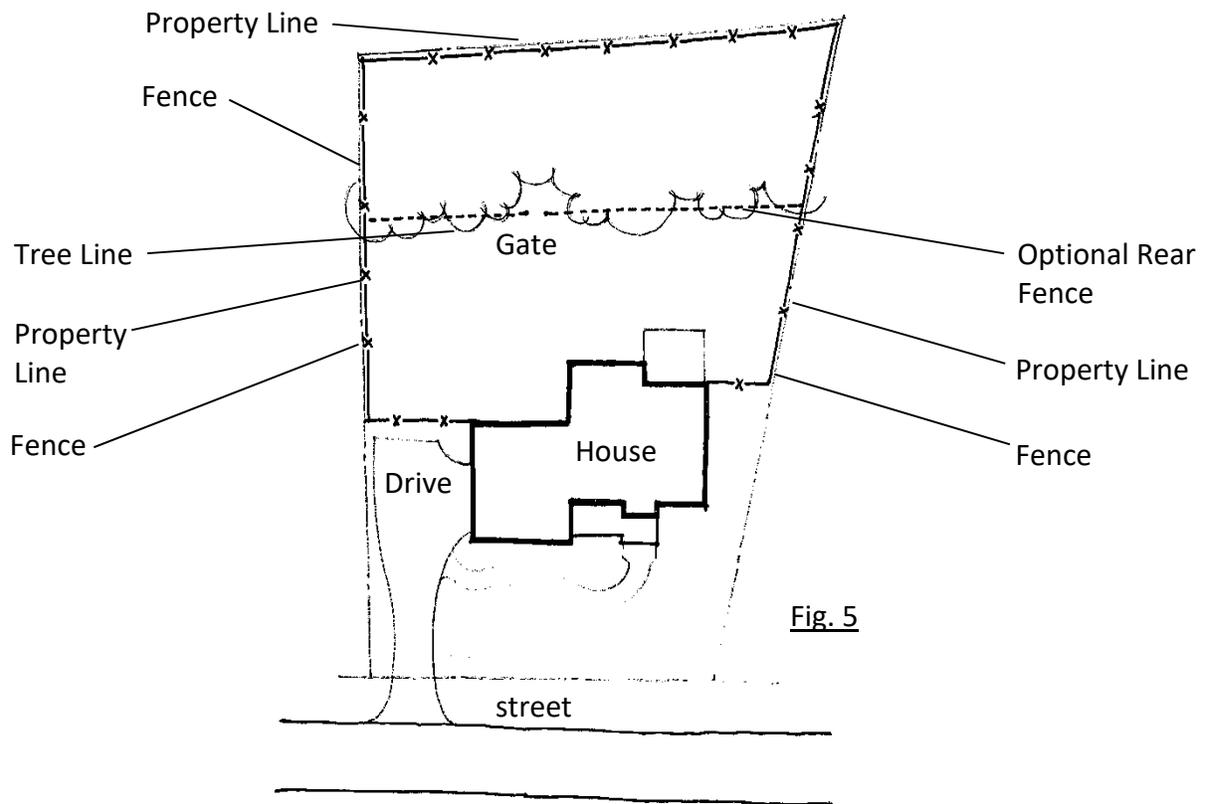
**Fig. 4**

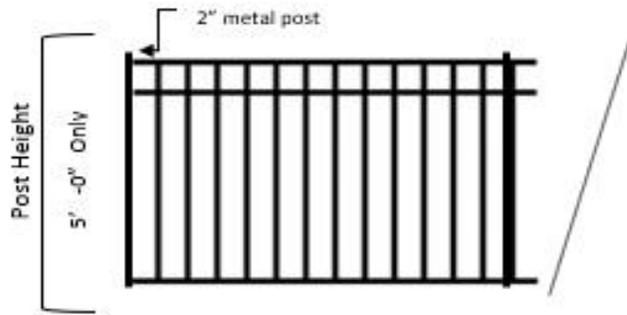
**GUIDELINE NUMBER 7: FENCES, PRIVACY SCREENS** – See Figure 5.

1. The original design concept of the community promotes a feeling of open space; therefore, fencing is not generally encouraged. A form must be submitted for **ALL** fencing.
2. Chain link and vinyl fences are prohibited. No wire fences, chicken wire, or welded wire fences are permitted.
3. No double fencing is permitted, no fence may block a view; Privacy fences are not allowed except under certain circumstances and will be considered on a case-by-case basis and must match the capped fence style featured below.
4. All forms must include the following information:
  - a. Picture or drawing of fence type.
  - b. Dimensions:
    - 1) The height shall not exceed six (6) feet.
    - 2) For black metal fences, the height shall not be less than five (5) feet.
    - 3) The maximum span between posts shall be ten (10) feet.
    - 4) For wood fences the minimum post size shall be 4" x 4" and the maximum shall not exceed 6" x 6".
    - 5) For wood fences the crossbeams shall consist of either two 2" x 6" rails or three 2" x 4" rails per section as a minimum.
    - 6) Crossbeam structure must face inside towards the yard.
  - c. Color: Unless approved by the ARC, the fence stain shall be clear sealant, SW3504 Woodridge, SW3507 Riverwood or SW9183 Dark Clove. Painting of fences is **not** permitted.
  - d. Site Plan: A site plan drawing denoting the location of the fence must accompany the form.
    - 1) Fences shall only come forward toward the street from the rear corners of the house no more than 10 feet.
      - i. If air conditioner units or basement doors are further than 10 feet from the rear corners of the home, fencing will be reviewed on a case by case basis.
    - 2) Fencing on corner lots will be reviewed on a case by case basis and subject to county/city and community rules and regulations.
      - i. Corner lot fencing cannot block view of intersections at any point.
      - ii. Fences installed by homeowners must have a minimum ground clearance of 2 (two) inches. The clearance must be notated.

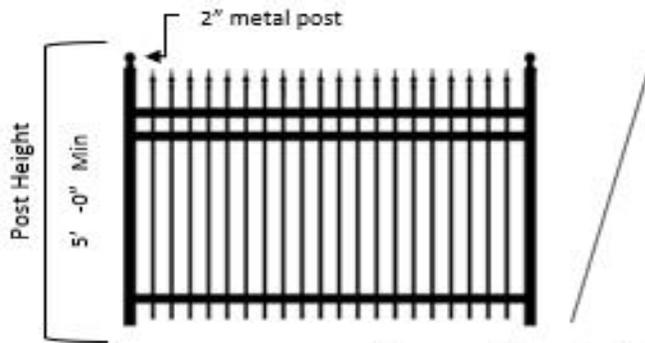
**GUIDELINE NUMBER 7: FENCES, PRIVACY SCREENS – Continued**

5. Dog Runs are not permitted.
6. Each homeowner must maintain the fences located on his/her respective property regardless of origin of construction or location.
7. Fencing to be placed next to any existing fence unless permission is granted by the neighbor allowing the fence to attach to their existing fence. The types of fences located on adjacent Lots shall be considered in the approval process. For example, if an adjacent Lot has wooden fencing, fencing that matches the type and material of such adjacent Lot shall be considered.
8. Illustrations of the approved fencing are shown in Figure 6. Before selecting the desired fence, style refer to these guidelines. For fence #1 and fence #2, **black** welded wire mesh “hog wire” is optional on the inside face.

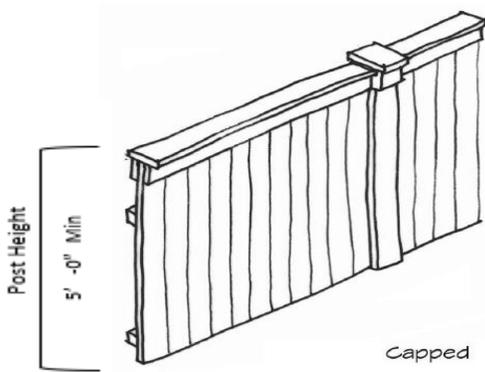




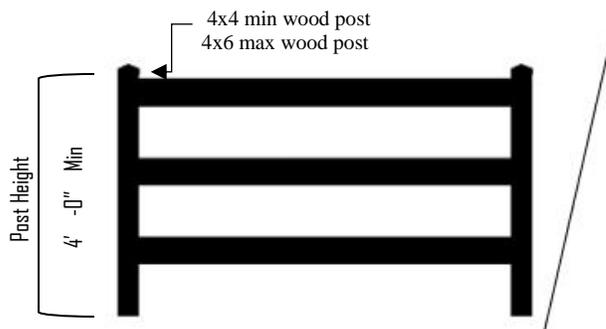
Straight Topped Wrought Iron or Aluminum Fence



Ornamental Spear Top Wrought Iron or Aluminum



Capped



Black or Natural Color (2x6) 3 Rail Fencing  
\*Welded Wire Mesh Optional\*

## **GUIDELINE NUMBER 8: EXTERIOR LANDSCAPING AND MAINTENANCE**

1. A form is required to be submitted for ornamental trees and shrubbery.
  - a. Tree plantings (row or cluster styles) are not permitted from the front line of the house to the street. In the case of corner lots, trees (row or cluster style) are not permitted from the front corner of the house on the adjacent lot(s) to the street. However, row or cluster tree plantings are permitted from the front corner of the house to the rear corner of the property line. Staggered tree planting is preferred over rows. Hardwood trees should be located a minimum of ten (10) feet from property lines. Evergreen trees shall be located a minimum of five (5) feet from adjacent property lines.
2. All landscaping beds must be covered with a suitable covering such as natural pine straw, chopped pine bark mulch (black or brown colored mulch), or wood shavings of natural earth tones. Red mulch is not permitted. Earth tone river rock will be considered, upon approval, for erosion and drainage control but not for full ground cover in landscaping beds.
3. Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials in keeping with the horticultural appearance of the community. Approved grass types for front lawns are Bermuda, Fescue or Zoysia. The amount and character of the landscaping must conform to the precedent set forth in the community.
4. Each owner is responsible for removal of debris, clippings, etc. from the property line to the center of the street. All planting areas should be properly maintained at all times, and, after the first frost, all affected material should be removed. At the end of the growing season, all dead plants should be removed. Bare earth must be covered with natural pine straw or earth tone mulch to prevent soil erosion.
5. The preferred landscape edging is a neat four (4) to six (6) inch deep trench. All standard bed edging: brick edging that matches the brick of the house, stone, or concrete must be approved by the ARC. Landscape bed edgings must be buried so that no more than one (1) inch extends above the ground and must be of uniform type. Permanent masonry must be approved. Wood or decorative plastic is not permitted. Black polypropylene edging is not permitted. Windsor wall block is not permitted as landscape edging as it is intended to be for retaining walls. Builder bricks are not permitted.
6. Retaining Walls in the front of a home should be brick, stone, or split-face concrete block to match the house. Landscape timber walls will be allowed in rear and side yards on a case by case basis. **All** retaining walls must be submitted to the ARC for approval.

**GUIDELINE NUMBER 8: EXTERIOR LANDSCAPING AND MAINTENANCE -Continued**

1. Each homeowner shall keep his/her lot and all improvements thereon in good order and repair including, but not limited to, seeding, watering, regular mowing, edging, the pruning and cutting of all trees, shrubbery and weed control; homeowners should also maintain the painting or other appropriate external care of all structures and removal of dead trees. This should be done in a manner and with such frequency as is consistent with good property management and the precedent set forth in the Community.
2. Outdoor storage of garden tools and hoses must be screened from view. Any tools or items stored under a back deck or porch must also be screened from view.
3. Outdoor storage of household garbage and recycling containers is discouraged and all containers must be concealed from view from roads. If household garbage and recycling containers are stored outdoors, they must be screened by natural landscape, be placed in a covered enclosure, or be placed behind a fence. Household garbage and recycling containers can be placed at the curb for collection no more than 24 hours prior to scheduled collection. All waste management containers must be removed from the curb and stored within 12 hours after collection.
4. All debris, clippings, etc. must be properly removed from lawns, driveways, sidewalks, streets, etc. Hosing, raking or blowing materials into the streets and into the storm water management system is not permitted.

**GUIDELINE NUMBER 9: FIREWOOD**

1. Firewood piles must be maintained in good order and must generally be located within the sidelines of the house and in the rear yard in order to preserve the open space vistas. The size of a firewood pile may not exceed 4' wide, 4' high and 6' long. See Figure 7.
2. Firewood pile coverings are allowed only if the cover is an earth tone color and the firewood pile is screened from the view of the street. For example, a tarp-covered firewood pile may be located under a deck and have shrubs planted around it.

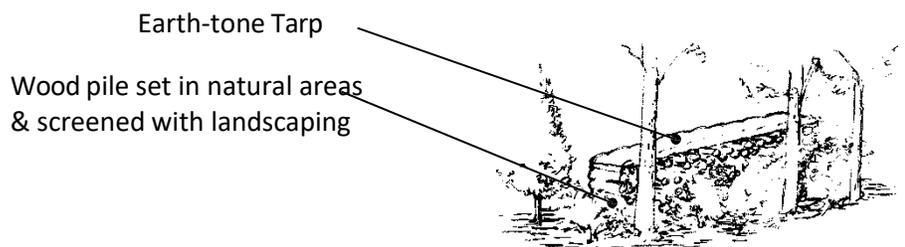
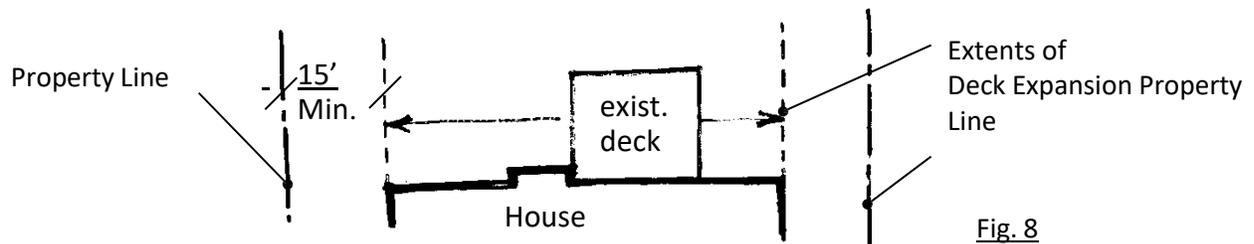


Fig. 7

## GUIDELINE NUMBER 10: DECKS

1. A form must be submitted for ALL decks.
2. The form must include the following:
  - a. A site plan denoting location, dimensions, materials and color.
  - b. The deck may not protrude past the sides of the house and must be located in the rear of the house.
  - c. Materials must be cedar, cypress, or Number 2 grade or better pressure treated pine (other material will be considered). Composite material is allowed but is subject to color approval by the Association.
  - d. The deck must be natural or stain shall be clear sealant, SW3504 Woodridge, SW3507 Riverwood or SW9183 Dark Clove.
3. Vertical supports for wood decks must be a minimum of 6"x 6" wood posts that match the color of the deck or metal poles. Metal poles shall be boxed in so as to appear to be 6"x 6" wood posts.
4. A rail design shall be submitted with the site plan and form indicating the picket and rail materials and design. A brochure may indicate the design if a prefabricated design is used; otherwise, the design should be drawn to scale to indicate the design.
5. The following, without limitation, will be reviewed: location, size conformity with design of the house, relationship to neighboring dwellings, proposed use and screening components/features.
6. Homeowners are advised that local municipalities having jurisdiction will require a building permit for construction of a deck.



## GUIDELINE NUMBER 11: EXTERIOR BUILDING ALTERATIONS AND ADDITIONS

1. A form must be submitted for all **exterior** building alterations and additions. Building alterations include, but are not limited to, storm doors and windows, construction of driveways, garages, porches and room additions to the house. Exhibit A is an example of the plan details that should be submitted with the Application for Modification. Repainting requires prior written approval **only** if the color is changed from the original color of the house.
2. The original architectural character or theme of any house must be consistent for all proposed additions and alterations to the structure. Once the character is established, whether it is traditional, contemporary, etc., no change may alter that character.
3. A form requesting a paint color change requires the following information:
  - a. Paint sample color used in or approved for the community; and
  - b. Area of house to be repainted; and
  - c. Photograph of the house to be painted and the houses on both sides (in most cases, adjacent houses should not be painted the same color).
4. Storm doors must be made of anodized bronze or anodized aluminum with baked enamel painted finish that matches the front door of the house. Storm door windows must be of solid glass with no decorative or protective metal workings. A form must be submitted for all storm doors (on the front, side, or rear of the house) and contain the following information: See Figure 9. No screen doors will be permitted.
  - a. Picture or drawing of the door on which storm door will be installed; and
  - b. Picture depicting style of storm door to be installed; and
  - c. Color.

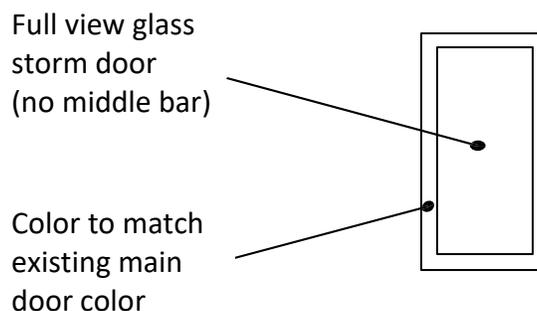


Fig. 9

**GUIDELINE NUMBER 11: EXTERIOR BUILDING ALTERATIONS AND ADDITIONS –Continued**

5. Storm windows must be made of anodized bronze or anodized aluminum with baked enamel finish compatible with the primary and trim colors of the house. Storm windows must be of solid glass with no decorative or protective metal workings. A form must be submitted and contain the following information:
  - a. Storm windows must comply with window to be covered; and
  - b. Picture or drawing of the window; and
  - c. Picture depicting style of storm window to be installed; and
  - d. Color.
6. Decorative Windows such as stained glass, decorative glass, etched glass, or leaded glass must be housed in wood frames and use muted colors. Colors must be compatible with the design of the house. All colors are subject to review of the ARC.
7. For any changes to the plans as approved by the ARC, the owner must submit such changes for approval prior to commencing construction.
8. Tennis courts are prohibited (other than the community tennis courts).
9. Storage structures will be considered only on a case by case basis. For any storage structure, all adjacent neighbors must approve and their signature placed on the Modification Request Form. A form must be submitted for all storage structures.
  - a. No prefabricated structures are permitted.
  - b. Storage structures shall be located in the rear yard of the property and located against the rear of the home, no closer to a property line than the sidelines of the home.
  - c. Storage structures may not be used for any purpose that may be deemed by the ARC to cause disorderly, unsightly, or un-kept conditions.
  - d. Storage structures' exterior materials must match the exterior materials used on the home. For example, if the house is stucco then the addition shall be stucco. If the house is a combination of materials, the structure shall be compatible with the materials on the adjacent face of the existing house.
  - e. Storage structures' exterior details must match the exterior details of the home, such as fascia, crown molding, panel doors, etc.

**GUIDELINE NUMBER 11: EXTERIOR BUILDING ALTERATIONS AND ADDITIONS –Continued**

- f. Carports (or open air covered structures used for the purpose of storing or parking cars, boats, RVs, etc.) are NOT permitted.
  
- 10. Homeowners are advised that local municipalities having jurisdiction will require a building permit for construction of any structure, attached or detached.
  
- 11. A form must be submitted for all awnings. Awnings or coverings must be a structural extension of the home's existing roof. Colors or finish must be compatible with the home's primary and trim colors. Addition of awnings or coverings requires the following information:
  - a. Picture or drawing of all windows/doors on which awnings will be installed and their location (back or side – generally, awnings are not allowed on the front of the home);
  - b. Picture depicting the style of awning to be installed; and
  - c. Color samples and materials list.
  
- 12. Pergolas will be considered on a case by case basis with consideration to the aesthetic of the lot and community.

## **GUIDELINE NUMBER 12: VEHICLES AND PARKING**

1. The recreational area parking lot is intended for the use of residents (in good standing) during their use of the recreational area, pool and tennis courts and clubhouse facilities.
  - a. No boat, trailer, camper or any other type of recreational vehicle may be parked or stored in open view on residential or common property.
  - b. Any vehicle left parked in a common area is subject to be towed by the Association.
2. All cars parked in open view must be operable, may not be unsightly, and must have current license plates and registration.
3. No vehicle may be parked on any yard or sidewalk.
4. Parking of vehicles on the street is limited and subject to the Covenants, Conditions and Restrictions. Temporary parking (four hours or less) is allowed if it does not pose a nuisance to neighbors or impede traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic (i.e. park only on one side of the street).
5. All homeowner vehicles should be parked in the garage. If the number of vehicles exceeds the number of spaces in the garage, vehicles may be parked on homeowner's own driveway.
6. No commercial vehicles are to be parked overnight on neighborhood streets or driveways.
7. Parking is never allowed within 20 feet of an intersection, nor in front of any fire hydrant.

### **GUIDELINE NUMBER 13: SATELLITE DISHES/WINDOW AIR CONDITIONERS/WINDOW FANS**

1. The following guidelines for mounted satellite dishes must be met:
  - a. Satellite dishes must be no larger than twenty four (24) inches in diameter
  - b. Rooftop mounting of satellite dishes on the rear of the house (out of public view) shall be required unless installation in such location imposes unreasonable delay or prevents the use of the antennae, unreasonably increases the cost of installation or an acceptable quality signal cannot otherwise be obtained.
  - c. If ground mounted, satellite dishes must be screened from view by evergreen landscaping – not lattice. Any cable must be buried. A maximum of two satellite dishes per lot is allowed. See figure 11.
  - d. Satellite dishes mounted on the house wall or roofs shall be located in a manner that limits the visibility of the dish(es) to the street. Every effort shall be made to locate the dish discretely and out of view.
  - e. Front yard mounting of satellite dishes is strongly discouraged due to the difficulty in properly screening the dish. However, if there is no other reasonable alternative location, all dishes located in the front shall be mounted on grade within five (5) feet of the house and screened with evergreen landscaping that will provide screening without blocking the signal. See Figure 11.
2. Colors of satellite dishes are subject to review. Colors shall be neutral and be compatible with the colors of the house.
3. Wiring or cabling shall be installed so as to be minimally visible and blend into the material to which it is attached.
4. The owner or occupant shall be responsible for the maintenance and repair of the satellite dish including, but not limited to, (i) reattachment of satellite dish, and any components thereof, within forty-eight (48) hours of dislodging, for any reason, from its original point of installation; (ii) repainting or replacement, if for any reason the exterior surface of the satellite dish becomes worn, disfigured or deteriorated.
5. Window air conditioners or window fans are prohibited. Any other type of appliance or device located in a window or wall where the device is visible on the exterior must be approved.

**GUIDELINE NUMBER 14: ADDRESSES**

1. Address plaque numbers that differ from the original installed by the builder are prohibited.
2. No plants shall be planted in such a manner that such planting and their future growth obstruct view of the address plaque.
3. Curb applied painted addresses are not allowed.

**GUIDELINE NUMBER 15: SIGNS IN YARDS**

1. The ONLY sign allowed in the front or side yard is a FOR SALE or FOR RENT sign or signs required by legal proceedings, in accordance with the Covenants.
2. BOOSTER signs from schools or organizations are allowed to be displayed for a maximum period of two (2) consecutive weeks.
3. CONTRACTOR signs to identify current work being done by contractor(s) are allowed to be displayed for a maximum period of two (2) consecutive weeks.
4. POLITICAL signs may be displayed two weeks prior to an election and should be removed within twenty-four (24) hours of said election.
5. Signs must not exceed 2 x 3 feet in size.
6. Security signs as required by Governing Agencies are permissible.

**GUIDELINE NUMBER 16: SPECIAL CONSIDERATION FOR LAKE LOTS**

1. In addition to the above guidelines, all improvements to the rear yard shall be submitted for approval by the ARC. Improvements to rear yard within ten (10) feet of the rear property line are discouraged, and no structure will be approved that encroaches into common lake area.

**GUIDELINE NUMBER 17: BUSINESS USE**

1. Each lot shall be used for residential purposes only, and no trade or business of any kind may be conducted in or from a Lot or any part of the Property, including business uses ancillary to a primary residential use, except that the Owner or Occupant residing in a dwelling on a Lot may conduct such ancillary business activities within the dwelling so long as...
  - a. The existence or operation of the business activity is not apparent or detectable by sight, sound, or smell from the exterior of the dwelling; **and**
  - b. The business activity conforms to all zoning requirements for the Property; **and**
  - c. The business activity does not increase traffic around the Property; **and**
  - d. The business activity does not increase the insurance premium paid by the Association or otherwise negatively affect the ability of the Association to obtain insurance coverage; **and**
  - e. The business activity is consistent with the residential character of the Property and does not constitute a nuisance or a hazardous or offensive use or threaten the security or safety of other residents of the Property.
  
2. The terms “business” and “trade” as used in this provision, shall be construed to have their ordinary, generally accepted meanings, and shall include, without limitation, any occupation, work, or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether: (i) such activity is engaged in full or part-time; (ii) such activity is intended to or does generate a profit; or (iii) a license is required thereof. Notwithstanding the above, the use of a Lot by an on-site management company operating on behalf of the Association shall not be considered a trade or business within the meaning of this subparagraph.

**BRIARSTONE AT NESTBIT LAKE HOMEOWNER ASSOCIATION, INC.**

**- REQUEST FOR MODIFICATION REVIEW**

**(THIS APPROVAL MAY TAKE UP TO 30 DAYS FOR APPROVAL AFTER ALL REQUIRED INFORMATION IS RECEIVED)**

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ E-Mail \_\_\_\_\_

City/State/Zip \_\_\_\_\_ Phone Number \_\_\_\_\_

Community \_\_\_\_\_ Lot/Block \_\_\_\_\_

Please provide the Architectural Control/Covenants Committee with all information necessary to evaluate the request thoroughly and quickly. Requests must include, without limitation, the following information: site plan (including all dimensions), color chips (if applicable), detailed description of request, list of materials, pictures (if applicable), and any other information as specifically required below or as required by the Design Guidelines approved for the community.

Description of Modification Requested:

\_\_\_\_\_

\_\_\_\_\_

Estimated Start Date \_\_\_\_\_ Estimated Completion Date \_\_\_\_\_

Acknowledgment of Adjacent Homeowners (**all homeowners sharing common boundary line**): This acknowledgement will be considered by the Covenants Committee but will not be binding upon the Covenants Committee. No application will be considered unless this section is completed, or the Applicant Homeowner has made a reasonable effort, in the sole discretion of the Board, to have this section completed.

Signature \_\_\_\_\_ House (\_\_\_\_) In Favor Of (\_\_\_\_) Not In Favor Of (\_\_\_\_)

Signature \_\_\_\_\_ House (\_\_\_\_) In Favor Of (\_\_\_\_) Not In Favor Of (\_\_\_\_)

Signature \_\_\_\_\_ House (\_\_\_\_) In Favor Of (\_\_\_\_) Not In Favor Of (\_\_\_\_)

**Under each of the most common headings below, all the items listed must be submitted. Please refer to the Covenants for other necessary information required for modifications such as detached structures, outdoor play equipment, pools, etc.:**

\_\_\_\_\_ **Patio or Walkway**

\_\_\_\_\_ Lot survey denoting location

\_\_\_\_\_ List of materials to be used

\_\_\_\_\_ **Exterior Decorative Objects, Front Porch Flower Pots, Lighting, Etc.**

\_\_\_\_\_ Description of object \_\_\_\_\_

\_\_\_\_\_ Location and picture or sketch of object

\_\_\_\_\_ **Garden Plot**

\_\_\_\_\_ Location and size of garden

\_\_\_\_\_ Type of plants to be grown

\_\_\_\_\_ **Fencing**

\_\_\_\_\_ Picture or drawing of fence type.

\_\_\_\_\_ Dimensions (maximum height may not exceed 6 feet; maximum span between posts shall be ten feet).

\_\_\_\_\_ Color

\_\_\_\_\_ Site plan (Plat) denoting location. All drawings must be transposed on the Plat of your Property.

\_\_\_\_\_ Crossbeam structure must not be visible from any street (must face inside toward yard).

\_\_\_\_\_ Materials

\_\_\_\_\_ All nails, screws or fasteners shall be aluminum or hot-dipped galvanized.

\_\_\_\_\_ All posts shall be anchored in concrete.

\_\_\_\_\_ Permit (if required by County/City)

\_\_\_\_\_ **Exterior Landscaping and Maintenance**

\_\_\_\_\_ Landscape plan denoting plant material and location.

\_\_\_\_\_ Landscape borders: material used photo of material and border design style.

\_\_\_\_\_ **Play Houses**

- \_\_\_\_\_ Location (must have minimum visual impact on adjacent properties)
- \_\_\_\_\_ Size and Sketch
- \_\_\_\_\_ Materials (in most cases, material used **should** match existing materials of home)

\_\_\_\_\_ **Private Pool**

- \_\_\_\_\_ Picture or drawing of pool type.
- \_\_\_\_\_ Dimensions (maximum size 1,000 square ft.)
- \_\_\_\_\_ Color (must be blue or white).
- \_\_\_\_\_ Site plan denoting location.
- \_\_\_\_\_ Type of lighting source.
- \_\_\_\_\_ Landscape plan

\_\_\_\_\_ **Deck/Porch**

- \_\_\_\_\_ Picture or Drawing (deck must match any existing deck).
- \_\_\_\_\_ Dimensions
- \_\_\_\_\_ Color (must be natural or painted to match exterior color of home).
- \_\_\_\_\_ Site plan denoting location (in most cases may not extend past sides of home).
- \_\_\_\_\_ Materials (must be cedar, cypress or No. 2 grade or better pressure-treated wood).

\_\_\_\_\_ **Exterior Building Alterations / Paint (Submit only if other than original paint color)**

- \_\_\_\_\_ Color
- \_\_\_\_\_ Area of home to be repainted.
- \_\_\_\_\_ Photograph of your home plus homes on either side (in most cases adjacent homes cannot be painted the same colors).

\_\_\_\_\_ **Storm Windows/Doors**

- \_\_\_\_\_ Picture or drawing of all windows/doors on which storm windows/doors will be installed.
- \_\_\_\_\_ Picture depicting style of storm window/door to be installed.
- \_\_\_\_\_ Color (window/door trim must be baked enamel and color must be compatible with primary and trim colors).

\_\_\_\_\_ **Building Additions**

- \_\_\_\_\_ Location of addition and size of lot.
- \_\_\_\_\_ Size, color, and detailed architectural drawing of addition.
- \_\_\_\_\_ Materials (material used **must** match existing materials of home).
- \_\_\_\_\_ Building permit (if required).

Note: I understand and agree that no work on this request shall commence until written approval of the Covenants Committee has been received by me. I represent and warrant that the requested changes strictly conform to the community Design Guidelines and that these changes shall be made in strict conformance with the Design Guidelines. I understand that I am responsible for complying with all city and county regulations.

Neither Fieldstone Realty Partners, LLC, the Association Board of Directors, the Association Advisory Committee or the Association Covenants Committee nor their respective members, Secretary, successors, assigns, agents, representatives or employees shall be liable for damages or otherwise to anyone requesting approval of an architectural alteration by reason of mistake in judgment, negligence or non-feasance, arising out of any action with respect to any submission. The Architectural Review is directed toward review and approval of site planning, appearance and aesthetics. None of the foregoing assumes any responsibility regarding design or construction, including, without limitation, the structural integrity, mechanical or electrical design, methods of construction, or technical suitability of materials. I hereby release and covenant not to sue all of the foregoing from/for any claims or damages regarding this request or the approval or denial thereof.

Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_

**FOR ARCHITECTURAL CONTROL COMMITTEE USE**

Approved By: \_\_\_\_\_  
Covenants Committee Member

Date Received \_\_\_\_\_

Approved \_\_\_\_\_ Not Approved \_\_\_\_\_ Conditions \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_