

IV. Architectural Committee Approval of Plans and Location of Structures

1. There shall be an Architectural Committee ("AC") having those powers set forth in Article II, Section 1.
2. The AC shall consist of five (5) members, who shall be appointed by the Board of Directors ("BOD") of Fox Trail Property Owners' Association, Inc., ("FTPOA") and who shall serve for such term as may be designated by the BOD of FTPOA.
3. **AC Members**
 - a. No less than four (4) members of the AC shall be members of the FTPOA.
 - b. No less than two (2) members of the AC shall be Directors of the FTPOA.
 - c. The AC shall act by vote of a majority of its five (5) members.
4. **Review Process**
 - a. The AC shall approve only those plans and specifications which shall meet the minimum standards required by the building code of Palm Beach County, Florida and as revised and amended from time to time.
 - b. The AC shall encourage innovative design in plans and shall be empowered to waive any condition of the minimum standards set forth in Article II, Sections 2, 4, 7, 9, and the restrictions on height and materials set forth in Article II, Section 1.
5. **Approval of Plans**
 - a. Approval of plans and specifications by the AC shall be endorsed on said plans and specifications and shall forthwith be returned by the AC to the person submitted the same.
6. **Approval of Plans, cont.**
 - a. Approval of the AC of plans and specifications submitted for approval, as herein specified, shall not be deemed to be a waiver by the AC of the right to object to any of the features or elements embodied in such plans or specifications, if and when the same features and elements are embodied in any subsequent plans and specifications submitted for approval for use on other lots.
7. **After AC Approval**
 - a. After such plans and specifications and other data submitted have been approved by the AC, no building, outbuilding, garage, swimming pool, tennis court, or like structures shall be erected, constructed, placed, altered, or maintained upon said property unless the same shall be erected, constructed, or altered in conformity with the plans and specifications theretofore approved by the AC or its duly appointed agent.
 - b. If any building, outbuilding, garage, swimming pool, tennis court, or like structures, or other structure of any kind shall be erected, constructed, placed, altered, or maintained upon said property other than in accordance with the plans and specifications therefore, approved by the AC, such erection, construction, placing, alteration, and maintenance shall be deemed to have been undertaken without the approval of the AC ever having been obtained as required by this declaration.
8. **Expiration Times**
 - a. After the expiration of one (1) year from the date of completion of any structure or alteration, constructed hereafter, such structure shall be deemed to comply with all the provisions of the Article IV, unless notice to the contrary shall have been delivered to the lot owner.
 - i. The Association reserves the right, upon giving such notice, to commence legal proceedings to enforce such compliance.
 - b. In the event that the AC shall fail, for a period of thirty (30) days, to approve or disapprove any plans or specifications submitted to it for approval, the same shall be deemed to have been approved.

9. Inspection

- a. Any agent or member of the AC may, at any reasonable time, enter and inspect any building or property subject to the jurisdiction of the AC under construction or on or in which the agent or member may believe that a violation of the covenants, restrictions, reservations, servitudes, or easements is occurring or has occurred.

10. Construction Time

- a. Unless otherwise approved by the AC, construction of approved improvements shall commence within ninety (90) days from the date of approval by the AC, and construction shall proceed continuously and be completed within a reasonable time, and in no event shall construction of a dwelling house or other improvements be extended for last for more than twelve (12) months unless otherwise approved by the AC.

II. General Protective Covenants and Restrictions

1. Structure(s)

- a. Dwelling or Outbuilding
 - i. No lot shall be used except for residential purposes.
 - ii. No building shall be erected, altered, placed, or permitted to remain on any lot except:
 - 1. one detached, single-family dwelling, and not to exceed two stories in height,
 - 2. a private garage, and outbuildings,
 - a. said **private garage**, if detached from dwelling to be constructed of same material as dwelling.
 - b. **Outbuildings** shall be constructed to be architecturally harmonious with the dwelling.
 - i. **Architecturally Harmonious**
 - 1. A building that has a consistent appearance and integrates well with its surroundings.
 - 2. When a building or space perfectly aligns its aesthetic values with functional requirements, creating an environment that is both beautiful and usable.
- b. No building, outbuilding, garage, swimming pool, tennis court or like structure, or other structure shall be erected, constructed, placed, or maintained on said real property, or any part thereof, unless prior to the commencement of any construction, excavation, or other work,
 - i. A complete set of plans and specifications
 - 1. Including front, side, and rear elevations
 - 2. Floor plans of each floor and basement (i.e., layout)

shall have been first submitted in writing for approval and approved in writing by the AC pursuant to Article V hereof.

2. Placement

- a. **Page 9, Article IV, Section 5**
 - i. No structure shall be placed in any easement use for:
 - 1. Ingress or Egress, or
 - 2. Installation and Maintenance of Utilities, or
 - 3. Drainage Facilities, or
 - 4. Bridle paths

3. Size

- a. Effective August 1, 1989, no dwelling unit shall be constructed on any lot which measures less than 2,400 square feet of air-conditioned living space.
- b. Porches and garages are not to be included in the 2,400 square foot measurements.

4. Appearance

- a. In keeping with the rustic ambience and to maintain the aesthetic appearance of the property described in Schedule "A", the design of fences on the exterior perimeter of lots must be submitted to and approved by the AC before fence construction commences.
- b. **Note: Article II, Paragraph 4(b) was changed on February 24, 1992, to the following**
 - i. Fence height not more than Five (5) feet and shall be no more than Six (6) feet in height at any point, excluding gates and gate supports.
 - ii. Measurements are taken from the ground along fence at Eight (8) foot intervals.
 - iii. Gates and support structures shall be no more than twelve (12) feet.
 - iv. Archways of gates shall be no more than Fifteen (15) feet at any point.
 - v. No more than Ten percent (10%) of entire length of fence may be considered as gates, gate structure, or archway.
 - vi. No wire fences, except Chain-Linked fences.
 1. Wire may be used in the construction of a fence so long as it's not the primary component.
- c. The perimeter fence on lots of Fox Trail shall be properly maintained in both appearance and structure.

7. Temporary Structures

- a. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently.

9. Display Signs

- a. No sign of any kind shall be displayed to the public view on any lot except
 - i. one personal name and/or address sign no more than nine (9) sq ft, or
 - ii. one sign no more than five (5) sq ft advertising the property for sale or rent, or
 - iii. one sign no more than five (5) sq ft used by a builder to advertise the property during the construction and sales period.
- b. All designs for signs must be submitted to and approved by the AC before being displayed.

Architectural Review Committee Guidelines

For all structures being constructed on a plot of land within Fox Trail:

- The committee shall **encourage innovative design in plans** and shall be empowered to waive any condition of the minimum standards set forth in Article II, Sections 2, 4, 7, 9, and the restrictions on height and materials set forth in Article II, Section 1. (Page 14, Article IV, 4) [Link: Fox Trail Governing Documents](#)
- [Link: *Minimum Standards of Palm Beach County Building Codes _107.3.5, Page 38.](#)

I. Residential Building Structure

Click the box to denote answer.

ALL APPLICATIONS MUST INCLUDE THE FOLLOWING		Yes	No
Fox Trail Building Application – Residence Application has been completed and signed by property owner(s)	Per Committee		
Building Plans of each floor and basement, with Architect or Engineer signature/stamp, or Certification of Compliance from Palm Beach County	Page 14, Article IV Paragraph 4 *MSPB		
Property Survey or Site Plan showing placement of Building	Per Committee		
Note: Garage, if detached from dwelling, must be constructed of same material as the dwelling. Note: Must be constructed during/after the construction of Residence and be part of the Building Plan submission. SET BACK per Agricultural Residential Requirements (Front-100', Rear-100', Side-25', Side Street-25')	Page 3, Article II Paragraph 1a		
Residential Purposes	Page 3, Article II Paragraph 1a		
Living Space is 2,400 sq. ft. or more (Note: Porches and Garages are not to be include in the 2,400 square footage)	Page 3, Article II Paragraph 2		
Residential Building is less than two (2) stories in height	Page 3, Article II Paragraph 1a		
Residential Building is NOT being placed in any easements	Page 4, Article II Paragraph 5		
Residential Building is SET BACK per Agricultural Residential Requirements (Front-100', Rear-100', Side-50', Side Street-80')	Minimum Standard Palm Beach Co.		

II. Detached Garage Building Structure

ALL APPLICATIONS MUST INCLUDE THE FOLLOWING		Yes	No
Fox Trail Building Application – Outbuilding “Detached Garage” Application has been completed and signed by property owner(s)	Per Committee		
Building Plans with Architect or Engineer signature/stamp, or Certification of Compliance from Palm Beach County	Page 14, Article IV Paragraph 4 (MSPB)		
Property Survey or Site Plan showing placement of Building	Per Committee		
Note: Garage, if detached from dwelling, must be constructed of same material as the dwelling.	Page 3, Article II Paragraph 1a		
Detached Garage Building is SET BACK per Agricultural Residential Requirements (Front-100’, Rear-50’, Side-50’, Side Street-50’)	Minimum Standard Palm Beach Co.		

III. Outbuilding Structure

ALL APPLICATIONS MUST INCLUDE THE FOLLOWING		Yes	No
Fox Trail Building Application _ Outbuilding (non-Barn) Application has been completed and signed by property owner(s)	Per Committee		
Outbuilding Plans with Architect or Engineer signature/stamp, or Certification of Compliance from Palm Beach County	Page 14, Article IV Paragraph 4 *MSPB		
Property Survey or Site Plan showing placement of Outbuilding	Per Committee		
Outbuildings will be utilized for private use and not as a means of living overnight.	Page 3, Article II Paragraph 1a		
The outbuilding shall be constructed to be architecturally harmonious with the residential dwelling. <ul style="list-style-type: none"> • When designing an outbuilding to be architecturally harmonious with a residence, it means that the outbuilding should be in keeping with the style and design of the main residence and the surrounding area. • Although the building materials DO NOT have to match the residence, it is highly recommended that the Outbuilding be similar in architecture as the residential structure. <ul style="list-style-type: none"> ○ Note: There are several Outbuildings constructed within Fox Trail that do not completely match the residential structure. 	Page 3, Article II Paragraph 1a		
	Page 14, Article IV Paragraph 4		

IV. Outbuilding: Non-Residential Farm Building “BARN”

ALL APPLICATIONS MUST INCLUDE THE FOLLOWING		Yes	No
Outbuilding: Non-residential Farm Building “BARN” Application has been completed and signed by property owner(s)	Page 3, Article II Paragraph 1a		
Building Plans of each floor, with Architect or Engineer signature/stamp, or Certification of Compliance from Palm Beach County, (if required)	Page 14, Article IV Paragraph 4 *MSPB		
BARN is NOT being placed in any easements	Page 4, Article II Paragraph 5		
Residential Building is SET BACK per Agricultural Residential Requirements (Front-100’, Rear-25’, Side-25’, Side Street-40’)	Minimum Standard Palm Beach Co.		
<u>Florida Statute Requirements Related to Agricultural Exemptions</u> *NOTE: Building Permits are typically exempt for Nonresidential Farm buildings on Farms (i.e., Horse Barns)	Non-Residential Farm Building Link: PZB-PPM MD-RI-002		

- [Non-Residential Buildings on Farms](#)
 - [Zoning and Floodplain Approvals Required Refer to PZB-PPM MD-RI-002](#)

V. Fences

ALL APPLICATIONS MUST INCLUDE THE FOLLOWING		Yes	No
Fox Trail Fence Application Application has been completed and signed by property owner(s)	See Amendment Page 23/75 Florida Statute 604.50		
Fence shall average 5 feet in height and no more than 6 feet in height at any point, excluding gates and gate support	Link: Palm Beach Co. Code of Ordinances Division 5. Walls and Fences		
Property Boundary Fence SET BACK per Agricultural Residential / PBC-Article 5 Requirements (Front-6’, Rear-0’, Side-3’, Side Street-6’)			
Gates and gate support structures shall be no more than twelve (12) feet tall at any point measured from the ground underneath the gate. Archways shall be no more than fifteen (15) feet tall at any point, measured from the ground underneath the archway. No wire fences of any kind, except chain-link fences. Wire may be added to a fence so long as it is not the primary component in the construction of the fence.	Minimum Standard Palm Beach Co. See Amendment Page 23/75		
<u>Florida Statute Requirements Related to Agricultural Exemptions</u> *NOTE: Building Permits are typically exempt for Nonresidential Farm buildings on Farms (i.e., Horse Barns)	Link: Right to Farm Act, Residential Dwelling		

VI. Swimming Pool

- a. A swimming pool needs approval from the ARC to make sure the property owner and pool company have completed all requirements with Palm Beach County.
 - i. Swimming Pools must be permitted by Palm Beach County
 1. **Link:** [Permitting for Residential, In-Ground Swimming Pools and Spa](#)
 2. **Link:** [Palm Beach County RESIDENTIAL SWIMMING POOL Building Division SAFETY REQUIREMENTS](#)
 3. **Link:** [Pool Barrier Agreement](#)

VII. Pond

- a. A Pond is not considered a “Structure” however, the ARC will need to provide approval to make sure the property owner and Pond building company have completed all requirements with Palm Beach County.
- b. **Link:** [Environmental Resource Permits](#)

VIII. Unified Land Development Code for Agricultural/Residential (AR) Zoning

- a. Article 4, Section 6 (A. Agricultural Use, 19. Stable, Private)
 - ii. https://www.pbcgov.com/uldc/Article4_pg3.htm#_Toc135980356
- b. **Stable, Private**
 - i. **Definition**
 1. The breeding, boarding, training, or raising care of horses owned by the occupants or owners of the premises. A Private Stable shall comply with the PBCACC.
 - ii. **Setbacks**
 1. Accessory Structures
 - a. A Private Stable with 12 stalls or fewer located on a parcel with a Single-Family residence shall be considered an accessory structure and shall meet the setback requirements for an accessory structure, or 25 feet, whichever is greater.
 2. Principle Structure
 - a. A Private Stable with more than 12 stalls located on a parcel with a Single-Family residence, or a vacant parcel, shall be considered a principal structure and shall meet the applicable setback requirements for a principal structure.
 - iii. **Boarding**
 1. On sites of at least two acres, boarding for up to four horses not owned by the owner or occupant of the premises shall be permitted.