

EDGEWOOD AT EVERLANDS HOMEOWNERS ASSOCIATION

LANDSCAPING GUIDELINES

Architectural Control Committee

1. PURPOSE AND AUTHORITY

These Landscaping Guidelines (“Guidelines”) are adopted by the Architectural Control Committee (“ACC”) pursuant to the authority granted to the ACC under the Edgewood at Everlands Declaration (“Declaration”) and are subject to approval by the Board of Directors of the Edgewood at Everlands Homeowners Association (“Association”).

The purpose of these Guidelines is to establish reasonable standards for the installation, modification, maintenance, and replacement of landscaping within Edgewood at Everlands while preserving the community’s appearance, protecting property values, promoting responsible water use, and providing homeowners reasonable flexibility in landscaping design and plant selection.

The ACC is responsible for administering and performing the architectural and landscape review and control functions for Edgewood at Everlands. The Declaration authorizes the ACC to approve or disapprove landscaping and improvements and to evaluate proposed landscaping for harmony with the community, relationship to surrounding properties, topography, drainage, and conformity with reasonable Community Standards.

These Guidelines shall be interpreted and applied consistently with the Declaration, applicable Florida law, and applicable City of Palm Bay requirements. In the event of a conflict between these Guidelines and the recorded Declaration, the Declaration shall control.

2. GENERAL LANDSCAPING POLICY

The Edgewood at Everlands Homeowners Association does not maintain a designated list of approved tree species.

Homeowners are afforded substantial flexibility in the selection and design of landscaping, provided all landscaping:

1. Complies with applicable City of Palm Bay requirements;
2. Complies with these Guidelines and the Declaration;

3. Uses appropriate Florida-native or Florida-Friendly plant material;
4. Does not create a safety, drainage, irrigation, or visibility problem; and
5. Is properly maintained.

The absence of a specific plant from an ACC-preferred or suggested list shall not, by itself, constitute a prohibition against that plant.

The ACC shall evaluate proposed landscaping based upon reasonable considerations including location, mature size, compatibility with the property, drainage, irrigation, visibility, safety, maintenance requirements, and consistency with the general appearance of Edgewood at Everlands.

3. CITY OF PALM BAY LANDSCAPING REQUIREMENTS

Homeowners are responsible for complying with all applicable City of Palm Bay landscaping requirements.

For purposes of these Guidelines, residential lots of less than one (1) acre shall contain, at a minimum:

- * Four (4) trees; and
- * Ten (10) shrubs.

In addition, plant material shall consist of Florida-native or Florida-Friendly species, and invasive plant species shall not be used.

Homeowners are responsible for confirming current City requirements applicable to their particular lot before undertaking landscaping work.

Where City requirements are amended or updated, homeowners shall comply with the requirements then in effect.

4. ACC APPROVAL

Prior written approval from the ACC is required before commencing any installation, removal, replacement, or substantial modification of landscaping.

This includes, but is not limited to:

- * Removal of trees;
- * Removal of shrubs;
- * Removal of sod;
- * Replacement of trees or shrubs;
- * Installation of new trees;
- * Installation of new shrubs or hedges;
- * Creation or expansion of landscape beds;
- * Significant changes to existing landscaping;
- * Changes to grading or elevation associated with landscaping;
- * Installation of landscape lighting;
- * Installation of significant decorative landscape features; and
- * Any landscaping project that may affect drainage or irrigation.

The Declaration specifically provides that no sod, topsoil, tree, or shrubbery may be removed without the prior consent of the ACC and Master ACC, if activated, and restricts landscaping or grading changes that may adversely affect surface-water flow or drainage.

Routine maintenance, including ordinary mowing, trimming, pruning, weeding, and replacement of dead annual plant material with substantially similar material, does not ordinarily require a new ACC application unless the work constitutes a material change to the existing landscaping.

5. LANDSCAPE APPLICATIONS

Applications submitted to the ACC shall contain sufficient information to allow the ACC to evaluate the proposed work.

Depending upon the nature and scope of the project, the ACC may request:

- * A site plan or sketch;
- * Location of proposed trees and shrubs;
- * Plant names and quantities;
- * Approximate mature size;

- * Photographs of the existing landscaping;
- * Proposed landscape-bed locations;
- * Irrigation information;
- * Drainage information; or
- * Other information reasonably necessary for review.

The Declaration expressly authorizes the ACC to request landscaping and irrigation plans and additional information when necessary for review.

6. TREES

6.1 Tree Selection

No specific tree species is required by the Association solely because it is included on an Association-approved list.

Homeowners may select from appropriate Florida-native or Florida-Friendly trees, subject to ACC approval and applicable governmental requirements.

The ACC may consider:

- * Mature height and canopy;
- * Root characteristics;
- * Location of utilities;
- * Proximity to structures;
- * Proximity to sidewalks and driveways;
- * Potential interference with irrigation;
- * Potential drainage impacts;
- * Visibility and traffic safety;
- * Storm resistance;
- * Maintenance requirements; and
- * Compatibility with the surrounding landscape.

6.2 Tree Removal

Trees may not be removed without prior written ACC approval, except where immediate removal is reasonably necessary because a tree presents an imminent safety hazard.

For purposes of these Guidelines, “removal” includes any action that substantially destroys, permanently damages, or materially alters the structure, appearance, health, or viability of a tree. This includes, but is not limited to:

Complete removal of a tree; Topping a tree;

Cutting off or removing the upper portion or main leader of a tree; Removing more than fifty percent (50%) of the canopy of a tree; Severely cutting back a tree in a manner that is reasonably likely to result in its decline or death; or

Any other substantial alteration that effectively eliminates the tree as a viable landscape element.

No homeowner shall intentionally remove, cut down, top, halve, or otherwise substantially alter a tree in a manner that circumvents the ACC approval requirements.

Where emergency removal occurs, the homeowner should notify the ACC as soon as reasonably practicable and provide photographs or other documentation when requested.

6.3 Tree Replacement

Where a required tree is removed, the ACC may require replacement with an appropriate Florida-native or Florida-Friendly tree consistent with applicable City requirements.

The ACC should consider the circumstances of the removal, including disease, storm damage, hazardous condition, natural death, or other legitimate reasons.

6.4 Tree Maintenance

Trees shall be maintained in a healthy, safe, and attractive condition.

The Declaration provides that trees are to be pruned as needed.

7. SHRUBS AND HEDGES

Shrubs and hedges shall be selected and maintained so that they complement the home and surrounding landscape.

Shrubs shall:

- * Be appropriate for their location;
- * Be maintained in a healthy condition;
- * Be trimmed as needed;
- * Not obstruct sidewalks or driveways;
- * Not interfere with utilities or irrigation;
- * Not create a visibility hazard; and
- * Not encroach onto neighboring property in a manner that creates a nuisance or maintenance problem.

The Declaration specifically requires that shrubs be trimmed as needed.

Hedges may be used where appropriate but shall be maintained in a neat and orderly condition.

8. FLORIDA-FRIENDLY LANDSCAPING

Edgewood at Everlands encourages the use of Florida-Friendly Landscaping principles that conserve water, reduce unnecessary maintenance, support native wildlife, and promote responsible environmental stewardship while maintaining the attractive appearance of the community.

Florida law provides that an HOA may not prohibit a property owner from implementing Florida-Friendly Landscaping on the owner's property. Florida Statutes § 720.3075²

Nothing in these Guidelines shall be interpreted or enforced to prohibit Florida-Friendly Landscaping protected by Florida law.

8.1 Florida-Friendly Principles

Homeowners are encouraged to:

- * Use the right plant in the right place;
- * Use Florida-native and Florida-adapted plants;
- * Conserve water;

- * Apply fertilizer responsibly;
- * Minimize unnecessary pesticide use;
- * Mulch landscape beds;
- * Protect and improve soil;
- * Reduce stormwater runoff;
- * Support pollinators and native wildlife; and
- * Select plants appropriate for the property's soil, sunlight, drainage, and available space.

8.2 Native and Florida-Friendly Plants

The following are examples of plants that may be appropriate for Edgewood at Everlands, depending upon location and mature size:

Trees

- * Live Oak
- * Southern Magnolia
- * Dahoon Holly
- * Red Maple
- * Bald Cypress

Palms

- * Sabal Palm
- * Needle Palm
- * Other appropriate Florida-native palms

Shrubs

- * Simpson's Stopper
- * Firebush
- * Walter's Viburnum
- * Coontie
- * Dwarf Yaupon Holly

Groundcovers and Accent Plants

- * Sunshine Mimosa
- * Perennial Peanut
- * Muhly Grass
- * Liriope
- * Other appropriate Florida-Friendly groundcovers

This is an illustrative list, not an approved-species list.

The ACC may approve other Florida-native or Florida-Friendly species that are appropriate for the location.

9. INVASIVE PLANTS

The use of invasive plant species is prohibited where prohibited by applicable governmental requirements.

Homeowners are encouraged to consult current Florida and City of Palm Bay guidance before selecting unfamiliar plant species.

The ACC may request substitution of a plant that is prohibited by applicable law or that presents a demonstrated threat to property, drainage, utilities, or community landscaping.

10. FLORIDA-FRIENDLY TURF AND LANDSCAPE ALTERNATIVES

Homeowners may incorporate Florida-Friendly alternatives to conventional turf, subject to applicable requirements and ACC review.

Examples include:

- * Approved Florida-Friendly groundcovers;
- * Perennial Peanut;
- * Sunshine Mimosa;
- * Mulched planting beds;
- * Native plant areas; and

* Other appropriate Florida-Friendly landscape treatments.

Such landscaping shall be intentionally designed and maintained and shall not be permitted to become overgrown, unsightly, or inconsistent with the maintenance standards of the Declaration.

11. POLLINATOR AND WILDLIFE-FRIENDLY LANDSCAPING

Pollinator-friendly landscaping is encouraged.

A homeowner may incorporate flowering plants and other Florida-Friendly vegetation intended to support butterflies, bees, birds, and other beneficial wildlife.

Such areas shall:

- * Be intentionally designed;
- * Be maintained in an orderly condition;
- * Not interfere with sidewalks, roads, drainage, or irrigation;
- * Not create a safety or visibility problem; and
- * Not contain prohibited invasive species.

The ACC shall evaluate such landscaping based on its overall appearance and compliance with these Guidelines rather than requiring a conventional turf-and-shrub landscape design.

12. LAWN MAINTENANCE

All lawns shall be maintained in accordance with the Declaration.

12.1 Grass Height

Grass shall be maintained in a neat and appropriate manner and shall not exceed five (5) inches in height.

12.2 Edging

Edging of streets, curbs, beds, and borders shall be performed as needed.

Chemical edging is prohibited.

12.3 Weeds

All landscape beds shall be maintained free of excessive weeds.

Weeds in joints in curbs, driveways, and expansion joints shall be removed as needed. Chemical treatment is permitted under the Declaration.

13. MULCH

Mulch shall be maintained in a neat and attractive condition.

The Declaration requires mulch to be turned four (4) times per year and/or replenished as needed.

Homeowners are encouraged to use organic mulch and other Florida-Friendly landscape practices that conserve moisture and improve soil health.

14. FERTILIZATION AND PLANT HEALTH

Fertilization of turf, trees, shrubs, and palms shall be performed in accordance with the Declaration.

The Declaration specifies fertilization at a minimum of three times per year during February, June, and October.

Disease and insect control shall be performed as needed.

Homeowners are encouraged to use environmentally responsible methods and to comply with all applicable governmental fertilizer and water-use regulations.

15. IRRIGATION AND WATER CONSERVATION

The Association is responsible for the community irrigation and sprinkler system as specified in the Declaration.

Homeowners shall irrigate grass and landscaping in a routine and ordinary manner and shall ensure adequate irrigation during periods of absence.

All homeowners must comply with applicable governmental water-use restrictions.

The Declaration specifically requires homeowners to irrigate their lots and comply with governmental water-use restrictions.

Landscaping may not be installed in a manner that interferes with Association-maintained irrigation infrastructure.

16. DRAINAGE AND GRADING

No landscaping installation may adversely alter established drainage patterns.

Without prior ACC approval, homeowners shall not:

- * Change the elevation of a lot;
- * Alter swales;
- * Block or redirect drainage;
- * Install landscaping that impedes surface-water flow;
- * Place soil or other material in a manner that changes drainage; or
- * Create conditions that cause water to accumulate on neighboring property.

The Declaration specifically prohibits landscaping, soil, elevation, or grading changes that result in detrimental or potentially detrimental changes to surface-water flow or drainage.

Any drainage problem caused by an owner's improvement shall be corrected at the owner's expense as provided by the Declaration.

17. LANDSCAPE BEDS AND EDGING

Landscape beds shall be intentionally designed and maintained.

Beds shall have clearly defined borders and shall be maintained free of excessive weeds, debris, and dead vegetation.

Decorative landscape borders, edging systems, retaining features, or similar improvements that materially alter the appearance of a front yard require prior ACC approval.

18. LANDSCAPE LIGHTING

Landscape lighting requires prior written ACC approval.

Approved lighting shall:

- * Be appropriate in scale and appearance;
- * Be directed toward the property being illuminated;
- * Avoid unreasonable glare onto neighboring properties or streets;
- * Not interfere with traffic visibility; and
- * Be maintained in good working condition.

The Declaration specifically requires prior written ACC approval for landscape lighting.

19. DECORATIVE LANDSCAPE FEATURES

The following may require prior ACC approval when they materially alter the appearance of the property:

- * Decorative boulders;
- * Garden structures;
- * Statues or sculptures;
- * Water features;
- * Raised planters;
- * Decorative walls;
- * Landscape borders;
- * Large pots or planters; and
- * Similar permanent or semi-permanent landscape improvements.

Such features should complement the landscaping and architecture of the home and should not create a safety, drainage, or maintenance problem.

20. CORNER LOTS AND VISIBILITY

No landscaping shall obstruct required visibility at street intersections or create a traffic hazard.

The Declaration specifically prohibits hedges, shrubs, trees, fences, walls, or other planting that obstruct required visibility at street intersections.

The ACC may require trimming, relocation, or removal of landscaping that creates a safety or visibility concern.

21. SWALES, SIDEWALKS, AND DRIVEWAYS

Homeowners shall maintain the portions of swales, sidewalks, and driveways for which they are responsible under the Declaration.

Landscaping shall not obstruct sidewalks, interfere with access, or adversely affect drainage.

The Declaration specifically assigns responsibility for timely repair, maintenance, and replacement of the driveway, sidewalk, and applicable swale areas associated with a Home.

22. FENCED OR ENCLOSED AREAS

The Association has no obligation to maintain landscaping within fenced or enclosed portions of a Lot, balconies, terraces, or patios as provided in the Declaration.

Owners are responsible for maintaining landscaping within fenced or enclosed portions of their Lots.

Landscaping within such areas shall nevertheless comply with applicable ACC approval requirements, the Declaration, governmental requirements, drainage requirements, and these Guidelines.

23. MAINTENANCE AND APPEARANCE

All landscaping not maintained by the Association shall be maintained in a first-class, good, safe, clean, neat, and attractive condition consistent with the general appearance of Edgewood at Everlands.

This standard is expressly established by the Declaration.

Homeowners shall:

- * Remove dead or diseased plant material;
- * Maintain shrubs and hedges;

- * Prune trees as needed;
- * Control weeds;
- * Maintain landscape beds;
- * Remove landscape debris;
- * Maintain turf;
- * Maintain irrigation;
- * Prevent landscaping from becoming overgrown; and
- * Correct landscaping conditions that create a safety, drainage, or visibility problem.

24. LANDSCAPE DEBRIS

Dirt, trash, plant cuttings, tree limbs, and other landscape debris resulting from landscaping work shall be removed promptly.

The Declaration requires that such material be removed and areas left clean before the end of the day.

25. CONTRACTORS AND LANDSCAPERS

Homeowners are responsible for ensuring that contractors and landscaping personnel performing work on their property comply with:

- * The Declaration;
- * These Guidelines;
- * ACC approval conditions;
- * Applicable governmental requirements; and
- * Community rules governing use of Common Areas.

Approval of a landscaping application does not relieve the homeowner or contractor from responsibility for complying with applicable laws, permits, utility requirements, irrigation requirements, or other governmental regulations.

26. EXISTING LANDSCAPING

Nothing in these Guidelines shall require a homeowner to modify landscaping that was lawfully installed and approved before adoption of these Guidelines solely because that landscaping does not conform to a newly adopted design preference.

However, existing landscaping remains subject to the Declaration's maintenance requirements and any applicable safety, drainage, visibility, or governmental requirements.

The Declaration provides that Community Standards shall not require an Owner to alter improvements previously constructed by the Developer.

27. MAINTENANCE VERSUS MATERIAL CHANGE

Ordinary maintenance does not require ACC approval.

Examples of ordinary maintenance include:

Mowing;

Trimming;

Pruning;

Weeding;

Mulching;

Fertilizing;

Treating pests or disease;

Replacing annual flowers;

Replacing dead plant material with substantially similar material where no material change to the landscape design occurs; and Replacing existing sod with substantially similar sod where no material change to the landscape design, grading, drainage, irrigation, or appearance of the Lot occurs.

A material change, removal, replacement, or addition to the landscaping requires ACC approval as provided in these Guidelines and the Declaration.

Examples of material changes requiring ACC approval include:

Removal of trees or shrubs;

Installation of new trees or shrubs;

Replacement of existing landscaping with different species or significantly different quantities of plant material;

Expansion or relocation of landscape beds;

Conversion of turf areas to alternative groundcovers or decorative landscape areas;

Changes affecting drainage, grading, irrigation, or visibility; and

Replacement of sod with a different turf type or landscape treatment that materially changes the appearance or function of the landscaping.

When uncertain whether proposed work constitutes a material change, homeowners should submit an application to the ACC before beginning work.

Trees may not be removed without prior written ACC approval, except where immediate removal is reasonably necessary because a tree presents an imminent safety hazard.

Where emergency removal occurs, the homeowner should notify the ACC as soon as reasonably practicable and provide photographs or other documentation when requested.

28. ENFORCEMENT

These Guidelines constitute Community Standards when properly adopted by the ACC and approved by the Board as required by the Declaration.

The Declaration provides that Community Standards are effective upon adoption, have the effect of covenants as though set forth in the Declaration, and are specifically enforceable.

The Association shall enforce these Guidelines in accordance with the Declaration, applicable law, and the Association's established enforcement procedures.

Where landscaping is installed without required approval, the Association may require the homeowner to seek approval, modify the landscaping, or restore the property as appropriate under the Declaration.

The Declaration also provides the Association with enforcement rights concerning Lawn Maintenance Standards, including the ability, under the circumstances specified in the Declaration, to perform necessary maintenance and charge the costs to the non-complying Owner as an Individual Assessment.

29. GOVERNMENTAL REQUIREMENTS

Nothing in these Guidelines supersedes or replaces any applicable federal, state, county, or City of Palm Bay requirement.

Where governmental requirements are more restrictive than these Guidelines, the governmental requirements shall apply.

Homeowners remain responsible for obtaining any permits or governmental approvals required for their landscaping project.

30. FLORIDA-FRIENDLY LANDSCAPING AND WATER-USE LAW

These Guidelines shall be administered consistently with Florida law concerning Florida-Friendly Landscaping.

Florida Statutes expressly provide that an HOA's governing documents may not prohibit a property owner from implementing Florida-Friendly Landscaping or impose requirements conflicting with applicable water-management laws, water-shortage orders, or related regulations. Florida Statutes § 720.3075(4)²

Accordingly, the ACC shall not deny an otherwise compliant landscaping application solely because the proposed landscaping is Florida-Friendly.

The ACC may, however, apply reasonable standards concerning placement, safety, drainage, visibility, irrigation, maintenance, invasive species, and compatibility with the general appearance of the community, provided those standards are applied consistently with applicable law.

31. ACC REVIEW STANDARD

The ACC shall review landscaping applications objectively and consistently based upon the standards contained in the Declaration and these Guidelines.

The ACC may consider:

1. Compliance with the Declaration;
2. Compliance with these Guidelines;
3. Applicable City of Palm Bay requirements;

4. Florida-Friendly Landscaping principles;
5. Plant suitability and mature size;
6. Drainage and grading;
7. Irrigation;
8. Safety and visibility;
9. Impact on neighboring properties;
10. Maintenance requirements; and
11. Compatibility with the general appearance of Edgewood at Everlands.

The ACC shall not require homeowners to select landscaping solely from a private or closed list of “approved trees” or “approved plants.”

32. APPROVAL OF THESE GUIDELINES

These Landscaping Guidelines are intended to constitute Community Standards under Section 19.4 of the Edgewood at Everlands Declaration.

Upon approval by the Board of Directors, these Guidelines shall become effective on the date specified below and shall apply prospectively to landscaping applications and modifications occurring after that date, subject to the provisions concerning existing landscaping.

Certification

The foregoing Landscaping Guidelines were duly adopted by the Board of Directors of the Edgewood at Everlands Homeowners Association on:

Date

Joseph Auxilly – President

Cynthia Kushner – Vice President

Mandeep Mishra – Treasurer

Bianca Terrier – Secretary

IMPORTANT NOTICE

These Guidelines are intended to supplement, and not replace, the Edgewood at Everlands Declaration. In the event of any inconsistency between these Guidelines and the Declaration, the Declaration shall govern.

Homeowners are encouraged to contact the ACC before beginning landscaping work whenever there is uncertainty regarding whether ACC approval is required.