## EDGEWOOD AT EVERLANDS HOMEOWNERS ASSOCIATION

# FENCES, WALLS & GATES GUIDELINES

### Architectural Control Committee (ACC)

### 1. PURPOSE AND AUTHORITY

These Fences, Walls & Gates Guidelines ("Guidelines") are adopted by the Architectural Control Committee ("ACC") pursuant to the Edgewood at Everlands Declaration ("Declaration"), subject to approval by the Board of Directors of the Edgewood at Everlands Homeowners Association ("Association"). They establish consistent standards for installation, replacement, modification, and maintenance of fences, walls, and gates. Sections 13.11, 16.12–16.14, and Article 19 of the Declaration are particularly relevant. In any conflict, the Declaration controls, subject to applicable law.

### 2. GENERAL FENCING POLICY

All new fences, walls, and gates requiring architectural review must receive prior written ACC approval. Improvements shall complement the community, preserve required access, comply with easements and setbacks, and avoid interference with drainage or irrigation. The ACC shall apply objective and consistent standards.

### 3. ACC APPROVAL REQUIREMENTS

Section 13.11 requires prior written ACC consent before walls or fences are erected or installed. Applications are required for new fences, walls, gates, material relocations, extensions, changes in configuration, and changes to approved materials, height, or color. Like-for-like maintenance may be treated as routine repair where it does not materially alter an approved improvement, subject to the Declaration.

### 4. APPROVED FENCE MATERIALS

Section 13.11 expressly requires all yard fencing to be aluminum rail. Wood, vinyl, composite, masonry privacy fencing, and other fence materials are not permitted as substitutes for required aluminum rail yard fencing unless authorized by controlling governing documents or law. Chain-link fencing is prohibited except where installed by the Developer, as expressly provided by Section 13.11.

### 5. FENCE COLOR

Section 13.11 expressly requires all yard fencing to be bronze in color. Proposed fence and gate finishes shall match the required bronze appearance. Repainting or refinishing a fence in another color is not permitted absent controlling authority.

### 6. FENCE HEIGHT

Section 13.11 expressly requires all yard fencing to be four (4) feet in height. The ACC shall not approve a different height merely as a discretionary preference where doing so would conflict with the Declaration. Applicable pool-safety or governmental requirements must also be satisfied.

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## 7. FENCE DESIGN AND APPEARANCE

Fences shall present a uniform, professionally installed aluminum-rail appearance. Posts, pickets, rails, and gates should be visually coordinated. Applications shall include the manufacturer or design specifications, dimensions, and proposed finish. Decorative embellishments shall not conflict with the required material, color, or height.

## 8. FENCE LOCATION AND PROPERTY BOUNDARIES

Fences shall be located on the homeowner's lot, subject to applicable setbacks, easements, and ACC approval. Homeowners are responsible for confirming boundaries and obtaining a survey when needed. ACC approval does not establish a boundary line or authorize encroachment on another property.

## 9. FRONT-YARD AND SIDE-YARD FENCING

Proposed front-yard or side-yard fencing requires ACC review for location, visibility, architectural compatibility, and compliance with the Declaration. No blanket approval for front-yard fencing is created by these Guidelines. Any installation must meet the mandatory aluminum-rail, bronze, four-foot requirements.

## 10. REAR-YARD FENCING

Rear-yard fencing shall comply with Section 13.11 and preserve required access for Association maintenance. A rear-yard fence shall not block the Association's unfettered access to repair, replace, maintain, or address perimeter fencing or irrigation lines where that access is required by the Declaration.

## 11. GATES

Gates incorporated into yard fencing shall be compatible with the required bronze aluminum-rail fence and shall not defeat required access. Applications shall show gate location, dimensions, swing direction, hardware, and access provisions. Locking mechanisms must not prevent access to Association-maintained facilities where the Declaration requires such access.

## 12. PRIVACY SCREENS AND FENCE ATTACHMENTS

Solid panels, fabric, bamboo, artificial foliage, privacy slats, and other attachments that materially change the appearance or function of required aluminum-rail fencing require ACC review and may be disallowed if inconsistent with Section 13.11. Homeowners shall not use attachments to circumvent the Declaration's fence material, color, or height requirements.

## 13. WALLS AND PERMANENT ENCLOSURES

Section 13.11 requires prior written ACC consent for walls. Proposed retaining walls, freestanding decorative walls, and permanent enclosures shall be reviewed for structural suitability, design, location, drainage, setbacks, and easements. Approval of a wall is not permission to replace mandatory aluminum-rail yard fencing with a different fence material.

## 14. ZERO-LOT-LINE HOMES AND MAINTENANCE EASEMENTS

Improvements shall respect zero-lot-line maintenance rights and easements, including those addressed in Sections 16.12–16.14. No fence, gate, or wall shall obstruct required maintenance access. Structural changes or paint-color changes to zero-lot-line improvement walls require express written ACC approval under Section 16.14.

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## 15. PERIMETER FENCES AND ASSOCIATION ACCESS

Homeowners shall not modify, attach improvements to, damage, remove, or obstruct access to Association perimeter fencing without appropriate authorization. Section 13.11 requires unfettered Association access through rear yards for specified perimeter-fence and irrigation work. The ACC may require gate or layout revisions to preserve this access.

## 16. DRAINAGE, SWALES, AND IRRIGATION

Fences, walls, gates, posts, and foundations shall not obstruct drainage swales, alter drainage patterns, or interfere with irrigation infrastructure. Proposed work affecting grades or drainage may require additional plans and ACC consent under Section 13.23 and other applicable provisions. Irrigation modifications require coordination with the Association where its infrastructure is involved.

## 17. CORNER LOTS AND VISIBILITY

Corner-lot improvements shall preserve legally required sight lines and comply with applicable municipal restrictions. The ACC may consider placement and visibility when reviewing applications, without creating requirements inconsistent with the Declaration.

## 18. POOLS AND SCREENED ENCLOSURES

Pool barriers and screened enclosures shall comply with Section 13.22, applicable Florida pool-safety laws, and building codes. A homeowner shall not assume that an ACC-approved yard fence alone satisfies pool-barrier requirements. Any proposed alternative shall be legally compliant and consistent with governing-document restrictions.

## 19. FENCE AND GATE MAINTENANCE

Owners shall maintain homeowner-responsibility fences, gates, and walls in a clean, safe, attractive, and functional condition. Damaged rails, loose posts, corrosion, peeling finishes, broken latches, and leaning or deteriorated structures shall be repaired. Maintenance of Association-owned improvements remains subject to the Declaration.

## 20. STORM DAMAGE AND REPLACEMENT

Storm-damaged improvements shall be secured and repaired within a reasonable period consistent with the Declaration and applicable law. Replacement shall comply with Section 13.11. Material changes to previously approved design or location require prior ACC approval.

## 21. CONTRACTORS AND INSTALLATION STANDARDS

Work shall be performed in a professional manner and comply with applicable permits and building requirements. Contractors shall protect neighboring property, utilities, drainage, landscaping, and Association improvements. Homeowners remain responsible for damage attributable to their projects as provided by the Declaration.

## 22. ACC APPLICATION DOCUMENTATION

Applications should include a completed ACC form, current survey or site plan, fence or wall location, dimensions, elevation where relevant, material specifications, bronze finish identification, gate details, photographs or drawings, drainage or irrigation information where applicable, and proposed construction dates. The ACC may request further reasonably necessary information under Section 19.7.

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## 23. ACC REVIEW AND DECISION PROCESS

The ACC shall follow the procedures in Section 19.7 and controlling Florida law. Section 19.7.3 provides a forty-five (45) day period after receipt of all information required for final review, subject to controlling statutory requirements. Written decisions shall identify applicable governing-document standards; rehearing and Board appeal procedures shall be administered as provided by the Declaration and law.

## 24. VARIANCES

Requests for variances shall be submitted in writing and evaluated under Section 19.9, including the stated hardship and proposed alternative. No variance may override an express Declaration restriction unless legally authorized by the governing documents or controlling law.

## 25. EXISTING FENCES, WALLS, AND GATES

Lawfully approved existing improvements shall be evaluated under applicable governing documents, approvals, and maintenance obligations. These Guidelines do not automatically validate unapproved improvements or require changes solely due to a newly expressed discretionary preference. Material alterations remain subject to ACC review.

## 26. VIOLATIONS AND ENFORCEMENT

The Association may enforce the Declaration and duly adopted Community Standards in accordance with governing documents and Florida law. Notice, hearing, and other applicable procedures shall be observed. Enforcement shall be consistent and without favoritism or personal bias.

## 27. GOVERNMENTAL REQUIREMENTS

Homeowners shall comply with applicable City of Palm Bay, county, state, and federal requirements, including permits, setbacks, structural requirements, and pool safety. ACC approval is not a substitute for governmental approval.

## 28. ACC REVIEW STANDARDS

The ACC shall consider Declaration compliance, mandatory fencing material and color, four-foot height, location, boundaries, easements, maintenance access, drainage, irrigation, safety, architectural compatibility, and neighboring property impacts. Decisions shall be objective, documented, and consistent.

## 29. APPROVAL OF THESE GUIDELINES

These Guidelines are intended to constitute Community Standards under Section 19.4 of the Declaration. Upon approval by the Board of Directors, they shall become effective on the date specified below, subject to the Declaration and applicable law.

## IMPORTANT NOTICE

These Guidelines supplement, and do not replace, the Edgewood at Everlands Declaration. In the event of an inconsistency, the Declaration controls, subject to applicable law. Homeowners are encouraged to contact the ACC before beginning work when there is uncertainty regarding approvals, boundaries, easements, drainage, or access requirements.

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**CERTIFICATION**

The foregoing Fences, Walls & Gates Guidelines were duly adopted by the Board of Directors of the Edgewood at Everlands Homeowners Association on:

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**Date**

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**Joseph Auxilly – President**

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**Cynthia Kushner – Vice President**

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**Mandeep Mishra – Treasurer**

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**Bianca Terrier – Secretary**

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