

MARKUP #1 ->

IX. Fences

- A. The ARC must approve all fences.
- B. All fences must be well designed, constructed, and maintained.
- C. Fences must be clean and free of mildew, mold, and hard water stains.
- D. Fences are not permitted in front yards.
- E. Fences may not come past the front corner on the home.
- F. **Styles of fences permitted: wood fence either board on board or shadow box. Any Vinyl fence must have prior ARC approval for color and style before contracting installation.**
- G. Wood fences must be left natural, stained a natural color. Colored **wood** fences are not permitted without ARC approval.
- H. The finished side of the fence must face the street or exterior of the property.
- I. Fences shall not be taller than six (6) feet. Eight (8) **feet** for homes with a garden tub in the master bathroom.
- J. Fences in disrepair or leaning must be removed.
- K. If a fence is patched and/or repaired in some other way, the repairs must match the rest of the installed fence or be stained/painted so that the fence is cohesive; ARC approval is required.
- L. Gates shall match the design, material, color, and construction of the fence.
- M. Fences cannot encroach onto neighbor’s property, into the nature preserve, or Common Areas.
- N. Fences, on lakes, may not pass the top of the lake bank and may not exceed four (4) feet in height.
- O. Fences on lakes must be black iron or aluminum, with four (4) inch spaces between pickets.

X. Home Exteriors

- A. **Paint colors must be selected from the ARC approved color palette. The management company or ARC committee can supply this**
- B. Trim, door, and garage colors must compliment the house paint color **and color selection must have prior ARC approval.**
- C. Houses and driveways shall be maintained and in good condition.
- D. House exteriors (including siding, front doors, trim, window sills, and garage doors) should be free of mildew, mold, rust, and hard water stains.
- E. House numbers should be displayed on all homes and visible from the street. Numbers shall be **four (4) inches** in height, per city code.
- F. Window air conditioning units are not permitted on the front windows. If they are used in other locations, they must be screened from the streets and neighboring properties. I. Garages may not be converted to living spaces.
- J. Garage screens may be added, if it is a style that allows for the garage door to open and close. Garage doors may not be removed.
- K. ~~Retaining walls are not permitted in the front yard.~~
- L. **Clotheslines are prohibited from street/lake views.**

7- Adopted January 2018

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. L (p. 7): Covenant prohibits clotheslines in direct violation of Fla. Stat. § 163.04.

Statutory / Legal Reference: Fla. Stat. § 163.04

Statutory Comparison: Florida Statute § 163.04 renders null, void, and unenforceable any deed restriction, covenant, or rule that prohibits or has the effect of prohibiting solar collectors, clotheslines, or other energy devices based on renewable resources.

CURRENT WORDING IN DOCUMENT:

Clotheslines are prohibited from street/lake views. 7- Adopted January 2018

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to Fla. Stat. § 163.04, solar collectors and clotheslines shall not be prohibited, subject only to reasonable architectural guidelines regarding placement that do not impair performance.

ISSUE #1