



**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
CANOPY NEIGHBORHOOD ASSOCIATION
Policy Resolution 20-1: FENCES**

WHEREAS, the Board of Directors and the Architectural Review Committee have considered Canopy's DCC&R Article 10.11. *Fences, "No fence of any kind (vertical or underground electric) shall be erected or maintained upon any Lot until the plans and specifications therefore have been approved in writing by the ARC. Underground electric fences will not be permitted in the front yard of any Lot. It shall be a condition of approval of any fence that the bottom of all fences along or within any drainage easements shall be elevated above ground to allow for the free flow of drainage."*

WHEREAS, the Board of Directors has considered the requirements and guidance contained in the Neal Communities Design Criteria Manual (incorporated into Canopy's Rules and Regulations) Page 37, above ground fencing is not allowed in maintenance included community; and Canopy is a maintenance included community, notwithstanding the Design Criteria Manual probation on fences; the Declarant Developer Neal allowed the installation of fences with specific design restrictions.

WHEREAS, the Board of Directors recognize the need for allowing and standardizing fenced in yards.

NOW THEREFORE BE IT RESOLVED, that the applicable sections of the Design Criteria Manual are rescinded and replaced with the following policy.

Fences are allowed with ARC approval in the rear yard, if they meet the following guidelines:

LOCATION:

- A survey shall be presented to determine the exact location of all property pins and easement lines. All measurements stipulated in the following criteria shall be made off the building structure and property survey pins.
- The fence must be no closer than two (2) feet from the property line or up to an easement line and must not extend forward more than six (6) inches from the rear corner of the home. Fence are not permitted in the front yard.
- Fences are not allowed in any type of easement. Plantings are allowed in an easement.
- If the fence is to be used as a pool barrier in lieu of a lanai, the fence must meet the criteria of the Residential Swimming Pool Safety Act as outlined in Florida Statutes chapter 515.29. Fencing being used as a pool safety barrier shall be within one (1) foot of the decking and the height of the fence shall be measured from the decking, not the ground. It is understood a fence taller than four (4) feet measured from the ground may be necessary to achieve the required height defined in the statute. Gates on pool barriers must open outward, be self-closing and equipped with a self-locking latch device located on the inside of the gate.



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GATES:

- A minimum of (2) gates, one per side, are required towards the rear of the fence to allow for landscape maintenance access. Additional gates may be required based on maintenance equipment needs and access to easements, preserves, etc.
- Gates shall be forty-two (42) to forty-eight (48) inches wide and single swing only
- Homeowners may install a pedestrian gate at the front of the fence where it connects to the structure if desired. Gate may be on one or both sides.

FENCE (see included pictures for reference):

- Fences shall be forty-eight (48) inches in height.
- The bottom of the fence shall be installed 4" from the ground to allow for proper water drainage and landscape trimming.
- Fence shall be aluminum and black in color, have 2" x 2" posts embedded in concrete, 4" picket spacing, 1" x 1" pickets with smooth top rail and bottom rail.
- Additional curved or decorative slats or spikes are not allowed.
- Fences shall meet FL Building Codes
- Fences shall have a maximum of 4 corners total, and all corners shall be 90 degrees. The back of the fence shall be straight and parallel to the back of the house.
- Fences are to be installed only by a licensed and insured contractor and all Collier County codes must be followed.
- Owner is responsible for any and all care and maintenance of fence.

PLANTINGS BUFFER:

- A consistent and continuous planting buffer must be installed on all outside edges of the fence except for the gate openings.
- Planting buffer should follow the guidelines and list of approved plants as stated in the Design Criteria Manual on pages 41-52.
- Planting materials must not interfere with the grading pattern, and no alterations to grading pattern is allowed.
- All plantings must be trimmed and maintained to ensure they stay within the property lines.



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REQUIREMENTS FOR MODIFICATION REQUEST:

- Modification request form
- Copy of property survey along with photos detailing locations of survey flags/stakes.
- Proposed fence location, dimensions of proposed fence, gate locations, and gate sizes from fence company
- Fence details (height, color, style, etc.) from fence company
- Fence contractor's license and insurance
- Location and description of planting buffer
- ****MUST SEND ARC COUNTY PERMIT PRIOR TO INSTALLATION****
- ****MODIFICATION REQUESTS WILL ONLY BE APPROVED AT ARC MEETINGS AND ARE APPROVED ON A CASE BY CASE BASIS**



****NOTE: THIS DOES NOT REPRESENT THE ONLY TYPE OF PLANTINGS AVAILABLE, SEE APPROVED PLANT LIST IN THE DESIGN CRITERIA MANUAL****



****NOTE: THIS PHOTO IS TAKEN FROM INSIDE THE FENCE****