

# **Boynton Lakes Phase II The Estates of Boynton Lakes Rules and Regulations**

Prepared by: The Board of Directors

Date: 03-26-2012

## **INTRODUCTION:**

ASSOCIATION LIVING REQUIRES THE FULL COOPERATION OF ALL RESIDENTS. IT IS IMPORTANT THAT EACH OWNER/RESIDENT FAMILIARIZE THEMSELVES WITH THE FOLLOWING RULES AND REGULATIONS, IN ORDER TO ENSURE THAT ALL THE RESIDENTS OF BOYNTON LAKES PHASE 2 ENJOY THE QUALITY OF LIFE OFFERED BY THIS WONDERFUL COMMUNITY.

The Board of Directors, pursuant to the authority granted to it in the Declaration of Covenants, Conditions and Restrictions (Declaration) and the Bylaws, has established the following Rules and Regulations, which are in part taken directly from the Declaration. The success of any community is founded on the principles of common decency, respect and consideration for the basic rights of neighbors. These Rules and Regulations (Rules) will serve as a ready reminder and reference of the various obligations residents have to one another in day-today living.

Provisions for these Rules and Regulations, and the authority for enforcement, are contained in the Declaration and the Bylaws, which were given to you when you bought your home. These Rules are intended as a supplement to the Declaration, not a replacement. All provisions of the Declaration not referenced in this document remain in full effect and must be adhered to by all Owners and residents. It is the responsibility of each Owner to make their guests, residents, and tenants aware of the restrictions of the governing documents. However, it is the Owner, as a member of the Association who remains responsible for the conduct of residents, tenants, vendors and guests. Many Owners include in their lease/rental agreement a termination and/or eviction clause in the event of a violation of the Association's Declaration, Bylaws, or Rules and Regulations by the tenant.

The Board of Directors establishes and enforces these Rules, manages the financial affairs of the Association, and oversees the operation and maintenance of the Association facilities and the Common Area. In each of these areas, a contracted management company assists the Board. This document may be changed by the Board periodically as needed.

## **MANAGEMENT COMPANY**

The association employs a professional management company to advise and assist the Board in carrying out its duties. The management company in turn contracts out various maintenance and repair work to service companies specialized in their respective fields. Monthly association fees are collected and deposited in the Associations' account by the management company. Association bills are then paid out of this same account.

A primary responsibility of the management company is to receive and process Owner and resident requests with the respect to the maintenance of Association common areas. The management company will then contract any necessary service company. The Association will not be responsible for any unauthorized work by a service company.

Banyan Property Management Company  
2328 S. Congress Avenue  
Suite 1C  
West Palm Beach, FL 33406  
Phone: 561-649-8585  
Fax: 561-649-0188

### **ARCHITECTURAL REGULATIONS**

The Board has established architectural regulations to ensure that the appearance of the community is maintained. The current regulations are maintained at the Association office. They can also be found in Appendix A of this document. All external alterations **MUST** be approved by the Board **BEFORE** the work is started. It is suggested that prior to starting any work, you should obtain a current copy of the regulations. Please be advised that unauthorized alterations, improvements or any other construction are subject to enforcement action as outlined by the Declaration.

### **GUESTS / TENANTS / VENDORS**

Guests, tenants and vendors must abide by all rules and regulations in force at the time. Residents/Owners are responsible for the conduct and actions of their guests / tenants / vendors.

### **RESIDENTIAL USE**

All lots, except community common area lots shall be known and described as residential lots and shall be used for no purpose other than residential purposes. (Declaration of Restrictions, Section 2)

### **COMMERCIAL USE**

No part of a lot or dwelling shall be used or caused to be used or allowed or authorized in any way, directly or indirectly, for any business, commercial, manufacturing, mercantile, storing, vending or other such nonresidential purpose.

### **RENTAL OF DWELLING**

- An Owner must own a property for a period of one year before the property can be leased. After the one year period, an Owner shall be entitled to rent the dwelling situated on the Owner's lot, subject to the restrictions contained in the By-Laws. (Article XIV, Section 1)
- Any rental or leasing agreement shall be in writing and shall provide that the lease or rental agreement is subject to the Declaration, the Bylaws, Articles, Architectural Regulations and the Association Rules & Regulations, and shall provide that any failure to comply with any provisions of the Declaration, the Bylaws, Articles, Architectural Regulations or Association Rules, shall be a default under the terms of the rental or lease agreement.
- No Owner may lease such Owner's lot or improvements thereon for hotel, motel or transient purposes. Any lease which is either for a period of fewer than thirty (30) days or pursuant to which the lessor provides any services normally associated with a hotel, shall be deemed to be for transient or hotel purposes.

- Any Owner who shall lease his or her dwelling shall be responsible for assuring compliance by such Owner's lessee with the Declaration, the Articles, Bylaws, Architectural Regulations and the Association Rules & Regulations.

### **SIGNS**

- For rules and regulations regarding Real Estate, Political and/or Construction Advertisement signage, please see the Property Signage section of the Architectural Regulations.
- Additional signs or flags customarily used for open houses may be used on the lot provided they are installed immediately before the open house and removed immediately after the expiration of the advertised time frame.
- Two signs per Residential Lot of reasonable dimensions used by security service companies may be posted with one sign in the front and one sign in the back of the home.
- In no instance is this restriction intended to supercede those requirements for Signs/Banners & Flags as set forth by the Boynton Beach Code (Part III, Chapter 3, Article V, Section 3, Item N).

### **OFFENSIVE CONDUCT; NUISANCES**

No noxious, illegal, or offensive activities, including but not limited to, repair of automobiles or other motorized vehicles shall be conducted within the Association. Nothing shall be done on or within the Association that may become an annoyance or nuisance to the residents of the Association or that in any way interferes with the quiet enjoyment of Residential Lots. (Declaration of Restrictions, Section 7) In accordance with the Boynton Beach Code (Part II, Chapter 15, Article 1, Section 15-14), the firing of guns, including air-soft, pellet or BB guns, is prohibited.

Additionally all residents are expected to abide by the established City of Boynton Beach Noise Control Ordinance. (Part II, Chapter 15, Article 1, Section 15-8.8)

Residents are encouraged to contact the Police Department for all noise violations that occur on the public streets located within the association.

### **TEMPORARY STRUCTURES**

No temporary buildings, trailers or structures shall be kept upon any lot, the Association property or in any street within Boynton Lakes Phase 2. (Declaration of Restrictions, Section 8)

### **VEHICLES / RECREATION VEHICLES**

#### **Storage of Boats, Trailers, Campers, Mobile Homes or Recreational Vehicles**

No recreational vehicle may be parked or stored in open view on residential property, private streets, or on open space.

The Board has defined "recreational vehicle" as follows:

1. Any boat or trailer, motor home or other self-contained camper.
2. Any vehicle that exceeds seven feet in height, nine feet in width, or 18 feet in length.
3. Any mobile home, trailer or fifth wheel trailer.

4. Any pop-up camp/tent trailer or other similar recreation-oriented portable or transportable facility or conveyance.
5. Any other vehicle not defined above which could not normally or regularly be used for daily transportation including dune buggies or nonoperative automobile collections or other automotive equipment not licensed for use on the highways of Florida.

The following vehicles shall also be treated in the same manner as recreation vehicles:

1. Any vehicle that is included in the Palm Beach County Code Chapter 19 as being defined as commercial.
2. Any vehicle that has commercial signs or advertising or visible commercial equipment.
3. Any private or public school or church buses.

Commercial vehicles whose signage is covered may be parked in Boynton Lakes Phase II only if the following criteria are met:

- a. The signage must be totally covered by a flexible plastic magnetic cover which is the same color as the vehicle background it adjoins;
- b. The cover must not be unreasonably large or unreasonably configured;
- c. The cover must be approved by the Board.

Notices of violation shall include a statement that permits appeal to the Board.

Trucks with slip-on tops are permitted unless they exceed the seven feet by nine feet by 18 feet limitations, or are self-contained campers.

Motor vehicles, including motorcycles, may only be parked on designated paved parking areas.

For purposes of loading or unloading said vehicles, temporary parking will be allowed. Temporary parking shall be defined as a time frame not to exceed twenty-four (24) hours at any one time.

No inoperable or wrecked vehicles or equipment shall be parked or left in the Association at any time.

#### **ANIMALS**

No animals, livestock or poultry of any kind, other than common, traditional house pets (i.e. dogs, cats, fish and caged birds), shall be kept by an Owner or his family members, guests, invitees or lessees, provided, however that (a) no animals whatsoever may be kept or maintained for commercial purposes, (b) no animals shall be permitted to remain on any portion of the properties which become an unreasonable nuisance or annoyance to others, and (c) any animal kept by an Owner shall be kept subject to any rules and regulations which may be promulgated from time to time by the Board. If no event shall dogs be permitted upon the open areas unless under leash. Any Owner who keeps a pet thereby agrees to indemnify the Association and hold it harmless

against any loss or liabilities of any kind or character whatsoever arising from or growing out of the keeping of such pet. (Declaration of Restrictions, Section 10)

Pit-bull or pit-bull type dogs are not allowed in Boynton Lakes Homeowners Association No. 2, Inc., (veterinarian or DNA proof may be required from time to time). Any owners who currently have any pit-bull or pit-bull type dogs or an intimidating breed to be decided by the Board of Directors as of 4/1/2012 shall be grandfathered in for the existing pets. Upon the loss of existing pets, these pets shall not be replaced with a pit-bull or an intimidating breed to be decided by the Board of Directors.

### **BASKETBALL HOOPS, PATIO FURNITURE, SWING SETS, AND PLAY EQUIPEMENT**

Portable Basketball Hoops are allowed in the neighborhood with the following restrictions:

- They are only allowed out between 9am and dusk.
- When not in use they must be stored so they are obscured from view of adjoining homes, streets or Association property. Home mounted or permanently mounted basketball hoops are not permitted.

Patio furniture, benches and patio swings are permitted as long as they are kept close to the home and are maintained and kept in good repair. These items are not permitted on the lawns due to interference with our landscaping service.

Swing sets and children's play equipment are only permitted in the fenced privacy area of the property and should not extend above the fence line or hedge line of the privacy area. Additionally, swing sets and children's play equipment should not interfere with the 4 foot easement of the adjoining property.

### **UNSIGHTLY ITEMS**

All weeds, rubbish, debris or unsightly materials or objects of any kind shall be regularly removed from the lots and shall not be allowed to accumulate thereon. All clotheslines, refuse containers, trash cans and lids, coolers, wood piles, storage areas, machinery and equipment shall be prohibited upon any lot unless obscured from view of adjoining homes, streets or Association property.

### **ANTENNAE AND SATELLITE DISHES**

See Antennas and Satellite Dishes section of the Architectural Regulations.

### **WINDOW COVERINGS**

Temporary window coverings in a design and color that does not conflict with the surrounding improvements (but excluding aluminum foil, newspapers, or any other contrasting material) shall be permitted for a maximum period of sixty (60) days from the date that a Residential Lot is conveyed to an Owner by Declarant. All window covering shall be of a neutral color harmonious with and not conflict with the color scheme of the exterior wall surface of the Residential Lot.

### **TRASH/REFUSE**

Trash and refuse must be placed in cans, plastic bags or other appropriate containers. (Declaration of Restrictions, Section 17) Trash must be placed along the homeowner's property and must not be placed within the islands on each street.

Containers may be placed outside for pick up after 6:00 p.m. on the day prior to service and must be removed no later than 9:00 p.m. the evening of the pick up. For additional information regarding waste collection regulations please contact the [City of Boynton Beach](#).

**RESIDENTIAL LOT MAINTENANCE**

All privately maintained landscape and slope areas shall be kept in acceptable condition as determined by the Board of Directors. This includes, but is not limited to, control of leaves, weeds and plant material coverage.

Each Owner shall be prohibited from placing, maintaining, constructing, or planting of any improvements, landscaping or other items, including without limitation, decks, stairs, walls, irrigation systems, trees or any vegetation within a Residential Lot without prior architectural approval.

Owners are prohibited from placing, maintaining, constructing, or planting of any Improvements, landscaping or other items, including without limitation, decks, stairs, walls, irrigation systems, trees or any vegetation in the Association common area open space or easement areas.

**GARAGE SALES**

Garage Sales are not permitted within Boynton Lakes Phase Two.

# Appendix A – Architectural Regulations

## REVIEW CRITERIA

The Board evaluates all submissions on the individual merits of each application. The characteristics of the house type and the individual site are taken into account when evaluating the particular design proposal. This is done because what may be an acceptable design of an exterior in one instance may not be for another.

The following criteria represent in more specific terms the general standards that will be used in reviewing and evaluating such application and design.

- Validity of Concept

The basic idea must be sound and appropriate to its surroundings.

- Design Compatibility

The proposed improvement must be compatible with the architectural characteristics of the applicant's house, adjoining houses, and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, color and construction details.

- Location and Impact on Neighbors

The proposed alteration should relate favorably to the landscape, the existing structure and the neighborhood. The primary concerns are access, view, sunlight, ventilation and drainage. For example, fences may obstruct views, breezes or access to neighboring property; decks or larger additions may cast unwanted shadows on adjacent patio or property or infringe on a neighbor's privacy.

When a proposed alteration has possible impact on adjacent properties, it is suggested that the applicant discuss the proposal with neighbors prior to making an application to the Board. It may be appropriate in some cases to submit neighbor comments along with the Board application.

- Scale

The size of the proposed alteration should relate well to adjacent structures and its surroundings. For example, a large addition to a small house may be inappropriate.

- Color

Color may be used to soften or intensify visual impact.

- Materials

Continuity is established by use of the same or compatible materials as were used in the original house. The options may be limited somewhat by the design and materials of the original house.

For instance, horizontal siding on the original house should be reflected in an addition. On the other hand, an addition with siding may be compatible with a brick house.

- Workmanship

Workmanship is another standard which is applied to all exterior alterations. The quality of work should be equal to or better than that of the community. Poor practices, besides causing the owner problems, can be visually objectionable to others. Poor workmanship can also create safety hazards.

- Timing

The majority of alterations will be built or installed by the residents themselves rather than a contractor. However, projects which remain incomplete for 12 months or longer are usually objectionable and can be a nuisance and safety hazard for neighbors and the community.

### **AMENDMENTS TO THE REGULATIONS**

The Board will conduct an annual evaluation to determine if the regulations need to be amended. It is anticipated that any changes would be primarily additive and would not involve substantive changes of the existing regulations. Approved amendments shall be adopted as were the original regulations by the Board of Directors.

### **REVIEW PROCEDURES**

All applications for architectural changes, whether permanent or temporary, should be submitted to the HOA property management company. Application forms are required, and are available from the property management company. The application will be reviewed for completeness. If the application is complete, the application will be forwarded to the Board so that the review process may begin. If not, the application will be returned to the homeowner for additional information.

The Board has thirty (30) days to review an application. The decision of the Board will be sent by letter to the applicant's address.

### **APPEAL OF A BOARD DECISION**

An appeal procedure exists. An appeal may be made if it appears that the following situations occurred:

- Proper procedures were not followed during the administration and review process.
- The applicant and other affected residents attending the meeting were not given a fair hearing.
- The Board decision appears to have no rational basis.



Applicants appealing a Board decision must base their appeal upon one of these situations.

To initiate the appeals procedure, the applicants, neighborhood boards or other affected residents must make an appeal in writing within five (5) business days of the Board decision.

### **ENFORCEMENT PROCEDURES**

The Covenants (**Article 3, Section 3.4, b1**) require the Board to ensure compliance of all lots with the Association's architectural standards. The following enforcement procedures have been adopted by the Board of Directors:

1. All violations will be confirmed by a site visit by a Board member.
2. An attempt will be made to contact the resident in violation.
3. If, within several days, no contact has been made, a violation notice will be sent.
4. If the violation is not resolved within 30 calendar days after the first written notice, a second written notice will be sent by certified mail.
5. If the violation is not resolved within 15 calendar days after the second written notice, the Board will begin legal action.
6. Vehicles in violation will be tagged with a notice stating that, unless the vehicle is brought into compliance within 15 days, legal action will be initiated against the resident in violation. Inoperable vehicles will be tagged with a notice that they will be towed.

### **WHAT CHANGES MUST HAVE BOARD APPROVAL?**

**Article 8** of the Declaration of Covenants and Restrictions explicitly states that all exterior alterations require the approval of the Board.

#### **Architectural Control**

No building, fence, wall or other structure shall be commenced, erected or maintained upon the properties nor shall any exterior addition or change or alteration therein including a change of the building exterior paint color, be made within the individual's lot line or property line until the plan and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to the harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by an architectural control committee composed of three (3) or more representatives appointed by the Board.

Each application is reviewed on an individual basis. There are not any "automatic" approvals, unless provided for specifically in these regulations.

### **WHAT TO INCLUDE IN AN APPLICATION TO THE BOARD**

For some homeowners, the most difficult part of the application is adequately describing the request. Generally, the following items should be a part of every application:

- An Application Form

An application form can be picked up from the Homeowners Association office or obtained from the website at <http://www.banyanproperty.com/boynton-lakes/architectural-change.html>. It contains detailed instructions and lists the documentation required for submission to the Board. An incomplete application will cause delays in approval, since the application must be returned to the homeowner for missing information before it can be submitted for a decision. Much delay and frustration can be averted by making sure your application contains all required information before submitting it.

- Material and Color

Samples of the materials and colors to be used and an indication of the existing colors and materials should be provided. In most cases, a statement that the proposed porch, for example, is to be painted to match existing house trim or major house color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

- Drawings and Photographs

A graphic description should be provided. A homeowner should not be intimidated by any shortcomings as draftsman or architectural illustrator since a graphic description may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, etc., should be shown as they affect the applicant's house, as they relate to adjacent houses. In any case, the sketch or photograph should be accompanied by a written description. If there will be significant architectural changes to the exterior of the property a Site Plan should also be submitted in addition to any drawings.

## **REGULATIONS**

The regulations which follow address a broad range of exterior alterations for which homeowners frequently submit an application to the Board. It would be impossible to address each specific design condition. As a result, these regulations present the principle factors which should be considered when developing a design. More specifically, these regulations, in most cases, define the limits to size, quality of construction, location, materials and color based on the intended use and relationship to adjoining properties rather than focusing on a particular construction detail or a specific design alternative.

The individual merits of each application will always be considered by the Board. The use of these regulations should assist the homeowner in gaining timely Board approval. The applicant who follows the regulations should expect approval or rationale as to why the application was not approved.

### Special Note . . . City/County Approvals

Many items require county or city review and permits. It is the homeowner's responsibility to obtain all necessary approvals. City of Boynton Beach and Palm Beach County authorities

should be contacted prior to beginning any work in order to verify what procedures must be followed and obtain required permits. City and/or County approval does not preclude the need for Board approval and vice versa.

## **FENCES**

Board approval is necessary for all fencing requests.

### **Height**

Fences should be a minimum of 6ft with maximum height of 8ft.

### **Location**

Most fencing involves boundary line considerations to some degree. Therefore, applications must show exact relationship with property lines.

### **Materials and Colors**

Fencing should be painted the same as the primary color of the home. If the fence is built with trim it is acceptable for the fence trim to be painted the same color as the trim of the home.

The following fence styles will be the standard:

- a) Wood fencing must be board on board or better with a straight top. Straight board wood fences are not permitted.
- b) Fence post finials and trim are acceptable when they are kept in scale with the style of the fence.
- c) All fences are to be made of pressure-treated wood, cement board (Hardieboard) or PVC Vinyl (no metal fences) and painted per regulations above.

## **STORAGE SHEDS**

Storage sheds are only permitted in the fenced privacy area of the property and should not extend above the fence line or hedge line of the privacy area. Additionally, storage sheds should not interfere with the 4 foot easement of the adjoining property.

## **ANTENNAS AND SATELLITE DISHES**

Prior to installation, submission of a completed application to the Association is required. The person providing such application or notice shall be the owner of the property upon which the antenna is to be installed. Tenants are encouraged to notify owner(s) prior to installation.

Exterior television and radio antennas and satellite dish antennas over one meter in diameter are prohibited. Only antennas or satellite dishes are permitted under the Telecommunications Act of 1996 and regulations promulgated by the Federal Communications Commission as a result of this Act may be installed on a lot.

**Installation of more than any one type (satellite dish, radio antenna, TV antenna) is acceptable if multiple broadcasting systems are desired (i.e. receiving local and international channels).**

## Location

Satellite dishes or television antennas should be installed in the least obtrusive location on the home and/or property. All wiring and materials associated with the antenna should also be concealed and as unobtrusive as possible.

The Association requires that all direct broadcast satellite dishes, antennas, multichannel or multipoint distribution service devices be placed in locations that are architecturally and visually pleasing to the neighborhood as a whole as long as the regulations:

1. Do not cause unreasonable delay or prevent installation or maintenance.
2. Do not unreasonably increase the cost of installation, maintenance or use.
3. Do not preclude reception of an acceptable signal.

The Association requests that antennas and satellite dishes be placed on the owner's main roof or other attached built-ons in locations where signal reception is acceptable.

1. Fence locations of satellite dishes are not allowed on the tops of fences, or allowed to overhang on a neighbor's property or over the Association Common Areas. Satellite dishes located on the inside portion of the owner's fence and low enough not to be seen over the top of the fence are acceptable.
2. Antennas are not allowed to be located or partially located in or over Association Common Area or on a neighbor's property.
3. Antennas should not be placed on the ground in front yards or in side yards where they can be easily viewed by the public unless owner can prove that signal reception is unacceptable in another location approved by the HOA.
4. The Association requests that antennas or satellite dishes not be placed on roofs on the front of homes unless another location for acceptable signal reception cannot be found.

The Association requests that homeowners direct their installers to determine the best location on the owner's property that will adhere to these regulations. The Association is aware that many installers (because of lack of time or lack of proper equipment) will place antennas or satellite dishes in the most convenient location for the installation company and not take the time to consider what is best for the owner or the Association. If owners have questions about the proper location of their satellite dishes, the HOA Office should be contacted for guidance before the dish is installed.

## **EXTERIOR DECORATIVE OBJECTS**

Approval will be required for all introduced exterior decorative objects including natural and man-made.

Exterior decorative objects include but are not limited to such representative items as bird baths, sculptures, fountains, free-standing poles of all types and items attached to approved structures.

### Application Contents

Completed applications require the following information:

- a. Site plan showing the relation of object to house, property line and adjacent neighbors.
- b. Picture and/or detailed drawing of object to include dimensions.
- c. Color and material of object.
- d. Estimated start and completion date.

### **EXTERIOR LIGHTING / ELECTRONIC INSECT TRAPS**

Approval of exterior lighting and electronic insect traps will be based on the same criteria. No device shall be installed or maintained in such a way as to cause discomfort to adjacent owners from bright light or noise. Electronic insect traps may only be operated during times when the immediate area protected by the trap is occupied by the owner or his guests.

### Application Contents

Completed applications require the following information:

- a. Site plan showing the relation of the insect trap or lighting to house, property line, and adjacent neighbors.
- b. Picture and/or detailed drawing of the insect trap or lighting to include all dimensions and height of fixture above ground.
- c. State wattage of bulb to be used.
- d. Estimated start and completion date.

### **EXTERIOR PAINTING**

Color changes apply not only to the house siding but also to the doors, shutters, trim, roofing, and other significant architectural elements. Color criteria contained in other sections of the Architectural Regulations will not be affected by the Exterior Painting Guideline. Change of exterior color in single family homes should be in conformance with established neighborhood color palettes as maintained by the Homeowners Association. The Board shall have the responsibility of periodically reviewing the established color palettes and making any revisions that they determine necessary to satisfy the needs of the community.

All exterior painting must be maintained in shades of cream, beige or brown in order to preserve a harmonious unanimity of appearance. Only 2 colors may be used. One color must be designated as the primary color of the home and one color must be designated as the trim color of the home. No other colors may be used.

All exterior doors and fencing must be painted with the primary color. All roof drip edge must be painted with the trim color.

All exterior painting applications must contain the following information.

- a. A list of all proposed color changes and their locations.
- b. Color samples provided by the paint supplier or a sample of each proposed color.
- c. Estimated start and completion date.

### **FLAGPOLES**

Permanent flagpoles must be of a height, color and location which is appropriate for the size of the property and background.

Homeowners wishing temporary flagpole staffs which do not exceed six feet (6') in length and are attached at an incline to the front wall or pillar of the house or dwelling unit need not have an application.

#### **Application Contents**

Completed applications require the following information:

- a. Site plan showing the relation of pole to the house, property line and adjacent neighbors.
- b. Picture and/or detailed drawing of pole to include dimensions.
- c. Description of material and color of flagpole.
- d. Estimated installation.

### **TRASH CANS**

Trash containers must be stored so that they are screened from view from the street.

### **PROPERTY SIGNAGE**

Real estate signs (offering property for sale or lease), political signs (advocating a declared candidate), and commercial contractor signs (advertising a contractor who is performing work on a lot) may be placed on a lot subject to the following limitations and restrictions:

- a. All signs must meet Palm Beach County regulations, if any, with respect to size, content and removal.
- b. One (1) sign, per lot, is approved for display in the front yard only.
- c. Political signs are considered a seasonal display and can only represent a declared candidate. All signs must be removed within 48 hours after election.
- d. Real estate signs must be removed within 48 hours of lease signing or closing.
- e. Commercial contractor signs may be displayed when the work is in progress. The sign must be removed within 48 hours of work completion.

f. No signs may be posted on the common area.

## **LANDSCAPING AND VEGETABLE GARDENS**

### Landscaping

Care should be exercised in the planting and maintenance of trees and shrubs to prevent obstruction of sight lines required for vehicular traffic.

Also, the views of neighboring units and shade patterns of larger trees should always be considered.

### Scale

Consideration should be given to the effect which planting will have on views from neighboring houses and property. All gardens must be neatly maintained throughout the growing season; this includes removal of all unused stakes, trellises, and dead growth.

Applications should include a description of the types and sizes of shrubs/trees/hedges to be planted and a site plan showing the relationship of plantings to the house and adjacent dwellings.

#### A. Rock Gardens

An application must be submitted for rock gardens in the event rocks or collections of rocks exceed 24 inches in any direction. All rocks shall be left their natural color.

#### B. Vegetable Gardens

An application must be submitted for vegetable gardens which do not meet the following conditions:

- a. It is located in the fenced privacy area of the home.

## **TREES AND TREE REMOVAL**

All planting of trees in the community require Board approval. All trees must be planted within the boundary lines of the homeowner's property.

One fruit tree is allowed per property and must be located in the rear of the home. No mango trees are permitted. Any fruit trees planted by the homeowner must be maintained and any fruit dropped from the tree must be cleaned up by the homeowner.

No live trees and no live vegetation on common areas may be removed without prior approval of the Board. The Board shall set rules for cutting of trees to allow for selective clearing or cutting.

### Tree Removal Policy Pertaining To Private Property

The HOA encourages minimal tree removal to maintain the existing tree canopy in the community. Exceptions to this are based on bona fide safety concerns or undue restriction of the reasonable use of property; e.g. patios, etc.

To this end, an application must be submitted for the removal of trees. The application must include the following:

- a. An explanation as to why the tree(s) are to be removed.
- b. A written Arborist's report stating the status and condition of each tree for which the Board doubts is dying or constitutes a safety hazard.
- c. A plan showing the location of each tree proposed for removal and the location and type of tree proposed to serve as a replacement. A tree with a minimum height of 6 feet or a caliper of 2 inches should be planted for each tree removed.

### **IN-HOME BUSINESS**

Palm Beach County regulates in-home businesses. In addition to County control, the Association is concerned about the impact of in-home business on the residential character of the neighborhood and on adjacent neighbors.

While in-home business is encouraged as a source of income and community diversity, customer-oriented businesses are not allowed.

The following special requirements must be met:

- a. Permit obtained from Palm Beach County.
- b. Copy of permit on file with the Association's office.
- c. No sign or other advertising device of any nature shall be placed upon any lot.
- d. No exterior storage of business-related materials will be allowed.

### **IRRIGATION**

Irrigation of the lawns is provided and maintained by the Homeowners Association. Homeowners are not to make any modifications to the irrigation system. If there is an issue with the irrigation system, please contact the Property Management Company. Any modifications to the irrigation system by a homeowner will be reversed and all charges to do so will be charged to the homeowner.

### **MAINTENANCE REGULATIONS**

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, items such as landscape maintenance, removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety.

#### Maintenance Review

The Board of Directors does an annual review of the homes of the neighborhood for adherence to the rules and regulations and to ensure the following maintenance regulations are being adhered to. The table below identifies the current schedule that the Board uses for their reviews though this schedule is subject to change without notice.

Afton	February
Boswell	March
Cambridge	April
Danby	May



Eaton	June
Fenwick	July
Grange	August
Hammond	September
Islington	October

If any violations are found, a letter will be sent to the homeowner describing the violations found that need to be remediated. All remediations must be completed within 30 days of the receipt of the first violation letter.

If violations still remain after 30 days, the board will send a second letter notifying the homeowner that the violations must be remediated within 15 days. If the violations are still not remediated after the 15 day period, the violations will be turned over to the attorney for the association and the homeowner will be responsible for all attorney's fees necessary to remediate violations.

If the homeowner feels that the work will take longer than 30 days to complete, it is the homeowner's responsibility to contact the Association via the Property Management Company stating why the work will take longer than 30 days to complete and an anticipated completion date. Extensions are granted at the discretion of the Board and may or may not be granted.

#### Exterior Appearance

Residents are responsible for maintaining the exterior of their dwellings.

While it is difficult to provide precise criteria for what the Association deems as unacceptable condition, the following cases represent some of the conditions which would be considered a violation of the Association Covenants:

1. Peeling or faded paint on exterior of home.
2. Exterior siding or wood that is rotted
4. Fences with either broken or missing parts.
5. Driveways, sidewalks and roofs that are dirty

Most residents, undoubtedly, would not allow any of the above conditions to exist, as they seek to preserve and protect their investment in their homes and to limit their personal liability by keeping all improvements on their lots in good condition. The Association expects that all residents will do this necessary maintenance to prevent any of the cited conditions from occurring in Boynton Lakes Phase II.

Planted beds must be kept in a neat and orderly manner.

#### Flowerbeds and Mulched Areas

Planted flowerbeds and mulched areas, especially those in highly visible areas (such as front and side yards), must be kept in a trimmed, orderly and weed-free manner. The above criteria also apply to decorative rock gardens.

Flower gardens located to the front of the home must be bedded in mulched or decorative rock or maintenance-free ground cover.

**Mulching of entire front yard is prohibited;**

Lawn and Garden Fertilization

Fertilization of the lawn is included in the HOA fees that are paid and should not be performed by the homeowner. If the lawn is damaged due to fertilization by the homeowner, the homeowner will be responsible for any costs associated with repairing the damage done.

Trash Removal

Each resident is responsible for picking up litter on his property and preventing windblown debris from originating from his land.

At no time is the common area considered a dumping ground for inorganic debris. Organic debris such as leaves, grass clippings and branches may not be dumped on common area.

Removal of trash and debris from all Association areas accumulating from resident usage will be completed as necessary. Remember that the removal of trash costs the Association dollars, and voluntary resident and neighborhood cleanup, in addition to controlling litter at the source, saves everyone money.

Pesticides and Herbicides

Pesticides and herbicides may be applied according to label instructions for the specified problem. Emphasis should be placed on organic/biodegradable materials in order to ensure the least harm to the natural environment. Care in application is extremely important along ponds and waterways, near neighborhood play areas and tot lots, and near adjacent residences. Avoid the use of pesticides and herbicides if at all possible, but when necessary use with caution and follow instructions.