

Attention Boca Tierra Homeowners:

The Boca Tierra Board of Directors is committed to keeping our community aesthetically pleasing. To that end, our governing documents contain covenants which every resident of the Boca Tierra community is required to adhere to and be familiar with. We wanted to take the time to highlight several of these covenants.

1. **Timely pay the Bi-Annual HOA fees.** HOA fees are due on the 1st of January and the 1st of July of each year. Please tender payment timely to avoid being referred to the Association's legal counsel for Collections.
2. **Proper handling of boats and vehicles:** No boats, recreational vehicles or other motor vehicles, except operative four wheel passenger automobiles, shall be placed, parked or stored upon any Lot, nor shall any maintenance or repair be performed upon any boat or motor vehicle upon any Lot, except within a building where totally isolated from public view. Any placing, parking or storing permitted by this Section shall be limited to the driveway and automobile storage area.
3. **Proper handling of waste:** No Lot shall be used or maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage and other waste shall be kept in sanitary container and, except during pickup, if required to be placed at the curb, all containers shall be underground or kept within an enclosure which the ARB shall require to be constructed with each dwelling, so that they shall not be visible from adjoining Lots or public areas.
4. **Keeping your roof reasonably clean:** It is important to keep your roof clean.
5. **Picking up after your pet.** It is important that you pick up your pet's waste and dispose of it properly.
6. **No soliciting and display of Signage:** Solicitation is not permitted within the community. Additionally, Owners are not permitted to display or place any sign of any character, including "For Rent" or "For Sale" signs except the following signs to be approved by the ARB: (1) "Open", not to exceed three (3) square feet, which may be displayed when the owner or his designated representative is in attendance. (2) A name plate and an address plate in size and design approved by the ARB.
7. **No trespassing on BTHOA homeowner's property** (including at school bus stops/areas).
8. **Boca Tierra residents are responsible for the maintenance, repair, and replacement of their individual mailboxes.** This includes the financial responsibility for the same. Replacement mailboxes are to be identical to the community mailboxes currently used.

ARTICLE VIII

RESTRICTIONS

Section 1. **Residential Use**: The Property subject to these Covenants and Restrictions may be used for residential living, for accessory uses as defined by the Code of Ordinances of the City of Boca Raton and for no other purposes. No business or commercial building may be erected on any Lot and no business may be conducted on any part thereof, provided that this is not intended to preclude the Developer from that construction use of sales models. No building or other improvement shall be erected upon any Lot without prior ARB approval thereof as elsewhere herein provided. No Lot shall be divided, subdivided or reduced in size unless each divided or subdivided portion thereof is consolidated with one or more contiguous Lots under one ownership to form one or more larger Lots. In the event of the division or subdivision of any Lot(s) as aforesaid, the obligation for Association expenses attributable to the divided or subdivided Lot(s) shall be and become proportionately attributable and chargeable to the continuous Lot(s), and the Owner(s) thereof, to and with which all or portions of the divided or subdivided Lot(s) become consolidated. In the event that any one or more Lots are developed as a unit, the provisions of these Restrictions shall apply thereto as a single Lot. No dwelling or other structure or improvement shall be erected, placed or permitted to remain on any site not including at least one (1) full platted Lot according to the recorded Plat of Boca Tierra or the plat of any portion of the Property.

Section 2. **Building Type**: No building shall be erected, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling containing not less than One Thousand Five Hundred (1,500) Square feet of livable enclosed floor area (exclusive of open or screen or roofed porches, terraces, patios as, well as garages and carports), not to exceed (35') feet in height, and having a private and enclosed garage (or carport if approved) for not less than two (2) cars. Unless approved by the ARB as to use location and architectural design no garage, tool or storage room may be constructed separate and apart from the residential dwelling, nor can any such structure(s) be constructed prior to construction of the main residential dwelling.

Section 3. **Layout, filling and Grading**. No foundation for a building shall be poured, nor shall construction commence in any manner or respect, until the layout for the building is approved by the ARB. It is the purpose of this approval to assure that no trees are unnecessarily disturbed and that the home is placed on the Lot in its most advantageous position. Filling and grading shall comply with all requirements at the Code and Ordinance of the City of Boca Raton.

Section 4. **Exterior Color Plan**. The ARB shall have final approval of all exterior color plans and each owner and each owner must submit to the ARB a color plan showing the color of the roof, exterior walls, shutters, trims, etc. The ARB shall consider the extent to which the color plan is consistent with the homes in the surrounding areas and the extent to which the color plan conforms with the natural color scheme of and for the community governed by their Association.

Section 5. **Roofs.** Flat roofs shall not be permitted unless approved by the ARB. Such areas where flat roofs may be permitted are Florida rooms, porches or patios. There shall be no flat roofs on the entire main body of a building; provided that, the ARB shall have discretion to approve such roofs on part of the main body of a building, particularly if modern or contemporary in design. No built-up roofs shall be permitted herein.

The composition of all pitched roofs shall be tile, cedar shake shingle, slate or concrete construction, or other composition approved by the ARB, except asphalt shingle. The minimum pitch of each roof shall be four (4) to twelve (12).

Section 6. **Garages.** In addition to the requirements stated in paragraph I hereinabove, all garages shall have a minimum of width of twenty (20) feet for a two-car garage, (30) feet for a three-car garage, or forty (40) feet for a four-car garage, measured from the inside walls of the garage. All garages must have either a single overhead door with a minimum door width of sixteen (16) feet for a two-car garage or two (2) sixteen (16) foot doors for a four-car garage, or two (2), three (3), or four (4) individual overhead doors, each a minimum of eight (8) feet in width, and a service door. No carports will be permitted unless approved by the ARB.

Section 7. **Driveway Construction.** All dwellings shall have a paved driveway of stable and permanent construction, with a minimum width at the entrance to the garage at least two (2) feet wider than same and designed to provide easy access thereto. Unless prior approval is obtained from the ARB, all driveways must be constructed with concrete or other impervious material, except asphalt. Where curbs are required to be broken for driveway entrances, the curb shall be repaired at the Lot owner's expense in a neat and orderly fashion acceptable to the ARB.

Section 8. **Dwelling Quality.** The ARB shall have final approval of all exterior building materials, Eight-inch (or larger) exposed concrete block shall not be permitted on the exterior of any building or detached structure unless prior approval is obtained from the ARB. The ARB shall discourage the use of imitation material for facades and encourage the use of materials such brick, stone, wood, and stucco, or a combination of the foregoing.

Section 9. **Signs.** No sign of any kind shall be displayed to the public view except for following:

A. Owners shall not display or place any sign of any character including "For Rent" or "For Sale" signs except the following signs to be approved by the ARB.

- (1) "Open" not to exceed (3) square feet which may be displayed when the Owner or his designated representative is in attendance.
- (2) A name plate and address plate in size and design approved by the ARB.

Section 10. **Set-backs**. Each single-family residence shall be set back twenty-five (25') feet from any street, twelve and 50/100 (12.50') feet from the side of each Lot (not facing a street), and twenty (20) feet from the rear of each Lot.

Section 11. **Games and Play Structures**. All basketball backboards and any other fixed games and play structures shall be located at the rear of the dwelling, or on the inside portion of corner Lots within the setback lines. No platform, dog house, playhouse or structure of a similar kind or nature shall be constructed on any part of a Lot located in front of the rear line of the residence constructed thereon, and any such structure must have prior approval of the ARB.

Section 12. **Fences and Walls**. The composition, location and height of any fence or wall to be constructed on any Lot shall be subject to the approval of the ARB. The ARB shall require the composition of any fence or wall to be consistent with the material used in the surrounding homes and other fences.

Section 13. **Landscaping**. A basic landscaping plan for each Lot be submitted to and approved by the ARB. All Lots are required to have installed a standard underground sprinkler system which irrigates and maintains the entire Lot, including the portion of the Lot between the street pavement and the right sidewalk. Full sodding shall be required in all yards. It shall be the goal of the ARB in the approval of any landscape plan and layout plan to preserve all existing trees if possible.

Section 14. **Swimming Pools and Tennis Courts**. Any swimming pool or tennis court to be constructed on any Lot shall be subject to the requirements of the ARB, which include, but are not limited to the following:

- A. Composition to be of material thoroughly tested and accepted by the industry for such construction:
- B. No screening of pool area may stand beyond a line extended and aligned with the side walls of the dwelling unless approved by the ARB:
- C. Pool screening may not be visible from the street in front of the dwelling unless approved by the ARB:
- D. Location and construction of tennis or badminton courts must be approved by ARB:
- E. Any lighting of a pool or other recreation area shall be designed so as to buffer the surrounding residences from the lighting.

If one owner elects to purchase two (2) adjoining Lots use one for recreation purposes, the Lot used for recreation purposes the Lot used for recreation must be adequately screened by landscaping and/or walls fences on both the front and side as required by their ARB. It the intent of the ARBs to screen any such use from public view.

Section 15. **Garbage and Trash Containers.** No Lot shall be used maintained as a dumping ground for rubbish, trash or other waste. All trash, garbage, and other waste shall be kept in a sanitary container and except during pickup, if required to be placed at the curb, all containers shall be underground or kept within an enclosure which the ARB shall require to be constructed with each dwelling so that they shall not be visible from adjoining Lots or public areas.

Section 16. **Temporary Structures.** No structure of a temporary character, whether a trailer, tent, shack, garage, barn, or other such building, shall be placed on any Lot at any time, provided, however, a temporary storage or out-building for materials and supplies may be used connection with and during the construction of a dwelling and removed immediately upon the completion of such construction.

Section 17. **Removal of Trees.** In reviewing building plans, the ARB shall take into account the natural landscaping such as trees, shrubs and palmettos, and encourage the Owner to incorporate them in the landscaping plan. No trees of two (2) inches in diameter at one (1) foot above nature grade shall be cut or removed without approval of the ARB, which approval may be given when such removal is necessary for the construction of a dwelling or other improvement.

Section 18. **Window Air Conditioning Units.** No window or wall air conditioning units shall be permitted without approval of the ARB and for other than auxiliary use.

Section 19. **Mailboxes.** NO mail.box or paperbox or other receptacle of any kind for use in the delivery of mail or newspapers or magazines or similar material shall be erected on any , Lot unless and until the size, location, design and type of material for said boxes or receptacles shall have been approved by the ARB. If when the United States Mail Service or the newspaper or newspapers involved shall indicate a willingness to make delivery to wall receptacles attached to dwellings, each property owner, on the request of the ARB, shall replace the boxes or receptacles previously employed for such purpose or purposes with wall receptacles attached to dwellings.

Section 20. **Sight Distance at Intersection.** Except as approved by the ARB, no fence, wall, hedge or shrub planting which obstructs sight lines and elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner Lot within triangular area formed by the street property lines and line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a round property corner from the intersection of a street property line with the edge of a driveway alley pavement. No trees shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at

sufficient height to prevent obstruction of such sight-lines.

Section 21. **Utility Connections.** Building connections for all utilities, including, but not limited to, water, electricity, telephone and television shall be run underground from the proper connecting points to the building structure in such a manner to be acceptable to the governing utility authority.

Section 22. **Docks, Boat Houses, Waterfront Construction, Boats and Shore Contours.** No docks, seawall or bulkheads, moorings, piling, boat houses or boat shelters of any kind or any construction shall be erected on or over waterways of and within Boca Tierra without the approval of the ARB. No motor powered boat of any kind other than electric powered shall be kept or used upon any lakes or waterways of and within Boca Tierra or Boca Lake except that the Association may use gas powered boat for the maintenance of a same. The area, if any, between the rear lot line of any Lot and the water's edge of any lake or other water body within the Land shall be landscaped, sodded and maintained by the Owner of said Lot as if said area were a portion of the Lot owned by said owner.

Section 23. **Boats and Motor Vehicles.** No boats, recreational vehicles or other motor vehicles, except operative four- wheel passenger automobiles, shall be placed, parked or stored upon any Lot, nor shall any maintenance or repair be performed upon any motor vehicle upon any Lot, except within a building where totally isolated from public view. Any placing, parking or storing permitted by this Section shall be limited to the driveway and automobile storage area.

Section 24. **AutomobileStorage Areas.** No automobile garage shall be permanently enclosed or converted to other use without the substitution of another enclosed automobile storage area upon the Lot.

Section 25. **Artificial Vegetation.** No artificial grass, plants or other artificial vegetation shall be placed or maintained upon the exterior portion of any Lot, unless approved by the ARB.

Section 26. **Clothing Drying Area.** No portion of any Lot shall be used as a drying or hanging area for laundry of any kind, it being the intention hereof that all such facilities shall be provided within the building to be constructed on a Lot.

Section 27. **Animals.** No animals, livestock or poultry of any kind shall be raise, bred, or kept on any Lot or the Common Area, except that dogs, cats and other household pets may be kept on Lots, so long as they are not kept, bred or maintained for commercial purposes. No pets shall be permitted to roam unattended, away from the Lot on which it is kept.

Section 28. **Antennae.** No aerial or antenna shall be placed or erected upon any Lot, or affixed in any manner to the exterior of any buiding.

Section 29. **Nuisances**. Nothing shall be done or maintained on any Lot which may be or become an annoyance or nuisance to the neighborhood. In the event of a dispute or question as to what may be or become a nuisance, such dispute or question shall be submitted to the Board of Directors, which shall render a decision in writing, which decision shall be dispositive of such dispute or question.

Section 30. **Miscellaneous**. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon any Lot, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon: and in the event that any Owner shall fail or refuse to keep his Lot free of weeds, underbrush, refuse piles or other unsightly growths or objects, then the Association may enter upon said Lot and remove the same at the expense of the Owner and such entry shall not be deemed a trespass.

Section 31. **ARB Reports**. The ARB's approval or disapproval required in the Architectural Planning Criteria shall be delivered in writing to the Board of Directors of the Association and to the Owner submitting the same. In the event the ARB fails to approve or disapprove plans and specifications within thirty (30) days of submission thereto, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required the related criteria shall be deemed to have been fully complied with.