

The Colony at Boynton Beach Homeowners Association, Inc.

**Architectural Control Committee (ACC) Architectural Criteria & Guidelines &
Application form for the ACC**

Date amended: September 1, 2005

**SHOULD THERE BE ANY DISCREPANCIES BETWEEN THIS DOCUMENT AND THE
RECORDED DECLARATION OF COVENANTS AND RESTRICTIONS AND EASEMENTS,
THE RECORDED DOCUMENTS WILL PRESIDE.**

INTRODUCTION

These guidelines do not give the authority to make changes without ACC approval. All change requests must be submitted on an alteration application for approval.

Definitions: The Colony at Boynton Beach HOA., Inc., hereafter referred to as "T.C.H.O.A."

ALL residents benefit from the planning and design that has been an important part of the development of The Colony at Boynton Beach. The intent of the SUMMARY OF PROCEDURE AND DESIGN REQUIREMENTS is to assure the residents that the standard of design and quality will be maintained. This, in turn, protects the property values and enhances the overall environment of T.C.H.O.A. An essential element of architectural control is the recognition by all homeowners of the importance of maintaining the ambiance of the community. Design requirements should be viewed as a benefit and not as a burden to the community.

INTRODUCTION TO THE ARCHITECTURAL CONTROL COMMITTEE

PURPOSE

The Declaration of Covenants and Restrictions (Declaration), establishes and describes the T.C.H.O.A. ("Association"), and assures each owner that the quality of the T.C.H.O.A. design will be maintained. The Association is responsible for administering these Covenants and Restrictions ("Declaration") and providing administrative support to the Architectural Control Committee (ACC).

The ACC ensures that exterior alterations in T.C.H.O.A. comply with the Established Architectural Guidelines. *ALL requests for exterior alterations MUST be submitted to the ACC and its approval must be received BEFORE they may be undertaken.* The purpose of these guidelines is to inform the homeowners of the design requirements for T.C.H.O.A. and the procedures to be followed when requesting an exterior modification to their property. Each application received by the ACC will be evaluated on its own merits with reasonable flexibility for architectural function and creativity.

AUTHORITY

The authority for the ACC is set forth in **ARTICLE IX, Section 1** of the Declaration of the Association, which was received by all homeowners when they purchased their homes. The Declaration encumbers all of the homes within T.C.H.O.A. The Declaration is a contract between the homeowners and the Association, wherein; per **ARTICLE IX** the homeowners must not make any modifications to the exterior of the homes and property without first receiving approval from the ACC.

MEMBERS

The Architectural Control Committee shall consist of *the numbers of members as decided by the Board of Directors*. The Board of Directors shall have the right, power, authority, and obligation to select members of the ACC. ACC members who have three or more unexcused absences may be subject to removal by the board.

MEETINGS

The ACC shall meet as necessary to review applications received and present their findings *within Thirty (30) days* of receipt.

RESPONSIBILITIES

On behalf of the Association, the ACC is empowered to:

1. Governing the form and content of plans and specifications to be submitted to the ACC for approval or disapproval; and
2. Governing the procedure for submission of plans and specifications; and
3. Review applications with respect to the approval or disapproval of design features, architectural styles, exterior colors and materials, details of construction, location and size of any structure, landscaping, and all other matters that require approval by the ACC as compared to the adopted Architectural guidelines and criteria.

These guidelines do not give the authority to make changes without ACC approval. All change requests must be submitted on an alteration application for approval.

LIMITATION OF RESPONSIBILITIES

The approval is based only on the aesthetic features of the approved modification. The ACC assumes no liability with regard to the structural integrity of any requests. The ACC makes no representation as to their expertise regarding either the structural adequacy, capacity or safety features of the proposed improvement or structure as shown on the submitted plans or on the ultimate construction of the approved modification. The ACC does not assume the responsibility for the performance or quality of work of any contractor.

ARCHITECTURAL CONTROL COMMITTEE POLICIES

The ACC does not intend to restrict individual taste or preferences. In general, its aim is to avoid harsh concepts in the landscape and architectural themes of T.C.H.O.A. and to foster thoughtful design so that there is harmony between neighboring residences. The ACC intends to be completely fair and objective in the architectural review process and to maintain sensitivity to the individual aspects of design. The approval of the ACC of plans or specifications submitted for approval, shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent plans and specifications submitted for approval for use on other lots.

APPROVAL NECESSARY

No building, wall, fence or other structure or improvement of any nature (including, but not limited to, pools, hedges, other landscaping, exterior paint or finish, play structures, hurricanes protection, basketball hoops, decorative plaques or accessories, swales, asphaltting or other improvements or changes of any kind, even if not permanently affixed to the land or to other improvements) shall be erected, placed or altered on any lot without ACC approval. Each building, wall, fence or other structure or improvement of any nature, together with the landscaping, shall be erected, placed or altered upon the premises only in accordance with the plans and specifications and plot plan so approved and applicable governmental permits and requirements.

Any modifications INCLUDING LANDSCAPE are the responsibility of the owner to MAINTAIN.

TIME LIMITATIONS

After approval by the ACC, all improvements shall be completed within one hundred eighty (180) days from commencement of the improvement. Projects that remain uncompleted for long periods of time are visually objectionable and can be a nuisance and a safety hazard for neighbors and the community. The ACC may establish a more specific time for completion as a condition of its approval.

INSPECTIONS

Periodic inspections may be made by the ACC while construction is in progress to determine compliance with the approved plans and specifications and provisions of the Declaration. The ACC or any such agent of the ACC shall not be deemed to have committed a trespass or other wrongful act by reason of such inspection.

JOB SITE CONDITIONS

1. All job sites shall be kept in a neat and orderly condition.
2. Construction hours are subject to rules and regulations as established by the ACC and/or the association from time to time, or the local ordinances, whichever is more restrictive.
3. All construction operations must be performed in accordance with local governmental ordinances.

APPROVAL

Upon approval by the ACC, a copy of the request bearing such written approval shall be returned to the applicant. Approval of any application shall be final and the approval may not be thereafter reviewed or rescinded provided that there has been compliance to all conditions of approval. If the request for approval is disapproved by the ACC due to aspects of the request that can be remedied by the applicant, the recommended changes can be made to the request and returned to the ACC for approval.

VIOLATIONS

If any alterations or modifications are made without the required prior written consent of the ACC, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until ACC approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Architectural Guidelines or Covenants and Restrictions contained in the Declaration.

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The Association is empowered to enforce its policies, as set forth in the Declaration and these Guidelines, by means specified in the Declaration, including an action in a court of law, to insure compliance. The Association also has the right to levy a fine on owners for modifications made without the written request and approval from the ACC.

KEY ARCHITECTURAL GUIDELINES

The ACC evaluates all submissions based on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the individual site and lot size, since what may be an acceptable design on an exterior in one instance may not be for another.

The following criteria are general in nature and apply to all of the dwelling units and parcels in the community.

Relation to T.C.H.O.A. Common Areas

Factors such as removal of trees, disruption of the natural topography and changes in rate or direction of storm water run-off may also adversely affect *T.C.H.O.A.* open space common areas.

Conformance with Covenants

All applications are reviewed to conform that the request is in conformance to all applicable Covenants and Restrictions affecting *T.C.H.O.A.* as recorded.

Design Compatibility

The proposed alteration 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.

Scale

The size of the proposed alteration should relate well to the adjacent structures and its surroundings.

Color

All exterior painting must receive ACC approval.

Materials

Continuity is established by use of the same or compatible materials as were used in the original house.

Workmanship

Workmanship is another standard, which applies to all exterior alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others.

SUMMARY OF PROCEDURES

HOW TO MAKE APPLICATION TO THE ARCHITECTURAL CONTROL COMMITTEE (ACC)

Applications for exterior changes may be obtained from the Management for *T.C.H.O.A.* Completed applications should be hand delivered or sent to the Association's office, which will then forward them to the ACC for review at its next scheduled meeting. ACC applications may also be presented in person at the regularly scheduled ACC meetings. *A sample application form is attached.*

SITE PLAN

A site plan or property survey should be included with the application showing the location of existing structures and the boundaries of the property. Proposed changes or additions should be indicated including dimensions and distances from the home and adjacent properties.

MATERIALS AND COLOR

Samples of the materials and colors to be used and an indication of existing colors and materials should be provided. 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 of the request should be provided. This 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.

GOVERNMENTAL APPROVALS

After receiving approval from the ACC, a permit may be required from the, City of Boynton Beach or other governmental authorities. The homeowner must determine whether this requirement applies to the requested modification.

THIRD PARTY COMMENTS

Written comments from neighbors and other residents concerning proposed changes may be furnished to the ACC. These comments will be considered during the review process. The ACC, however, must still make its decisions based on standards set forth in the Declaration and further described in these guidelines, which may be updated at any time.

THE COLONY AT BOYNTON BEACH HOMEOWNERS ASSOCIATION, INC.
Architectural Control Committee (ACC)

ARCHITECTURAL STANDARDS, CRITERIA, AND DESIGN REQUIREMENTS

SUPPLEMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS

The following are ACC approved standards that are not specifically outlined in the Declaration. No assumptions should be made that the Association has waived restrictions included in the Declaration and not listed here.

1. WINDOWS, DOORS, SCREENED ENCLOSURES AND PATIOS

- a. Bright-finished or bright-plated (other than white) metal exterior doors, windows, window screens, louvers, exterior trim or structural members shall not be permitted. The use of white anodized aluminum to match the original trim is the preferred material.
- b. All screening and screen enclosures shall be constructed to utilize white anodized aluminum.
- c. The use of reflective tinting or mirror finishes on windows is prohibited.
- d. Security bars on windows or doors are prohibited.
- e. All screen enclosures must have a hip, gable, mansard roof or flat aluminum insulated roof.
- f. Any screen enclosure bottom splash panel shall not exceed twenty-four (24) inches.
- g. Changes to any doors must be approved by the ACC.

2. SOLAR PANELS

- a. Solar water heating panels shall be reviewed on an individual basis; and if approved by the ACC, must be installed so as to present the least obtrusive condition.

3. EXTERIOR WALL FINISHINGS

- a. Exterior artificial, simulated or imitation materials may be considered if deemed to match the surrounding architectural design.
- b. The use of the following items is appropriate:
 1. Stucco - similar in finishing and color as originally constructed.
 2. Metals - factory finished in durable anodized aluminum in white.
- c. Exterior colors that, in the opinion of the ACC would be inharmonious, discordant and/or incongruous to the community shall not be permitted.

4. ROOFS

- a. Roof colors shall be an integral part of the exterior color scheme of the building.
- b. No change in color or existing roofing material shall be permitted without the approval of the ACC. Roofing material must be cement tile. Wood shake, asphalt, clay tile or fiberglass shingles will not be allowed.
- c. Roof shapes, style, pitch, design and materials shall match the existing roof. **Flat roofs are not permitted except as described in section 1e and section 4d.**
- d. Flat-deck, first floor patio roofs, which also serve as second floor balconies, may be approved by the ACC. The second story balcony must be accessible from a second story door and must have a continuous railing at its perimeter. The first floor roof structure/second story floor must match as close as possible the existing house roof in materials and design. Detailed plans in final form for Palm Beach County permitting (showing all elevations) and specifications must be submitted for ACC approval.
- e. Flat deck roofs will not be permitted over air conditioned living space.

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5. GARAGES, DRIVEWAYS, WALKWAYS AND EXTERIOR LIGHTING

- a. Any change from the existing garage door must be approved by the ACC. Any changes to driveways must receive ACC approval.
- b. All proposed exterior lighting should be detailed on the request for architectural modification. No exterior lighting shall be permitted which, in the opinion of the ACC, would create a nuisance to the adjoining property owners.
- c. Any proposed walkway must be approved by the ACC prior to installation. This includes concrete walkways, stepping stones or brick pavers.
- d. Sidewalks shall be kept clear for pedestrian use.
- e. Coach lights may be white, black or bronze in color. If the coach lights are changed from the original white color, then the hanging light over the front entrance must also be changed to a like color and style so as to present a uniform appearance

6. AWNINGS AND SHUTTERS

- a. Bahamas shutters, metal fold-down awnings and canopies do not meet the standards of the community with respect to conformity and harmony of external design and shall not be permitted or affixed to the exterior of any residence. Canvas or vinyl awnings may be approved after ACC review of colors and design drawings. Colors must be harmonious with the color scheme of the dwelling.
- b. Temporary metal or wood panels may be used or installed only to protect structures during periods of severe weather conditions and must be approved by the ACC prior to fabrication or installation.
- c. Hurricane shutters may not be put up or closed until a *Hurricane Watch* is posted and may not be closed for a period longer than *four (4) weeks* at any one time.
- d. Panels or shutters may not be installed for security purposes.
- e. Permanent mechanical shutters, including top channel and sidetracks, must be color coordinated with the house colors. Colors must be approved by the ACC. Top and bottom channels used for installation of temporary panels, must be removed when panels are not in place or painted to match the color of the surface they are permanently affixed to.

7. LANDSCAPING

All proposed landscaping that either expands or reduces current landscaped area must be approved by the ACC prior to installation or removal. Proposed landscaping must be shown on a lot survey, which includes the house, all impervious surface and existing landscaping.

All landscaping installed with approval by the ACC must be maintained to the standards as set forth by the Association.

- a. **Lawn**
 1. Lawn must be mowed and edged to keep aesthetic appearance. Dead sod must be replaced within thirty (30) days.
- b. **Trees and Shrubs**
 1. Must be planted with enough set back to allow growth at maturity so the plant does not overhang or protrude to adjacent lots or common areas. It will be the responsibility of the homeowner to know the maturity width of any tree or shrub being planted. The ACC reserves the right to request removal of trees or shrubs if they cannot be trimmed and maintained in an aesthetic appearance even if prior approval was given.
 2. Dead trees and shrubs must be removed and replaced within thirty (30) days. The replacement must be the same type, color, and height. Any changes in type, color, or height must have ACC approval.
 3. Trees and shrubs must be pruned back from sidewalks, curbs, common areas, and other adjacent lots.
- c. **Mulch**
 1. Mulching is allowed with wood mulch and small decorative rocks used for ground covering. Any artificial materials or sand must be approved by ACC.
- d. **Weeds**
 1. Weeds must be removed from all planting areas, lawn, walkways, and driveways.

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e. Litter

1. Litter, leaves, fallen branches and any other debris must be removed from homeowner's property.
2. Landscape rubbish cannot be placed out for collection sooner than 5 PM the night prior to scheduled pickup.

f. Edgings and Borders

1. Any edging or border materials used as part of the landscaping must have prior ACC approval. Examples are border and edging materials made of concrete, wood, stone, plastic, and metal. Edging and border materials can be no more than twelve (12) inches in height. Edging and border materials must match the color scheme of the home.

g. Landscape Planting Bed

1. Landscape beds and berms cannot exceed three (3) feet in height.

h. Hedges

1. Hedges cannot exceed eight (8) feet in height.
2. Hedges used as a fence must be maintained as a formal hedge.
3. The homeowner is responsible of maintaining both sides of the hedge.

8. FENCES

- a. Fences between side and rear yards of all residential units shall be of the shadow box style or picket rail style. The color of the fence must be white, natural or stained wood. Metal or PVC fences must be white. The style, color and finish shall be approved by the ACC and shall be consistent throughout each platted section of the community. Fences fronting along lakes or preserve areas shall be picket-rail.
- b. Chain link fences are prohibited.
- d. Fencing of the front yard is not permitted and fence must be set back five feet (5') from the front of the home.

9. BASKETBALL HOOPS

- a. Portable basketball hoops are must be stored inside the homeowner's garage or on the dwelling side of the driveway midway between the road and the home.

10. SWIMMING POOLS

- a. Proposed pool, decking, screen enclosure and landscaping plans with survey must be submitted to the ACC for review.
- b. Above ground swimming pools shall not be permitted.
- c. No decking, screening or landscaping may be installed on any portion of the lake maintenance easement.
- d. All pool equipment and heaters must be screened from view with landscaping from adjacent properties and roadways.
- e. Spas or hot tubs will be permitted only when their placement does not interfere with the neighboring homes and will not create a nuisance. It is recommended that with the application for approval to the ACC, comments from neighbors be included. Any spa or hot tubs that are permitted must also conform to all local zoning ordinances regarding this type of installation.

11. AIR CONDITIONERS, GARBAGE AND TRASH CONTAINERS

- a. Window and/or wall air conditioning units shall not be permitted.
- b. All garbage and trash containers shall be placed in an enclosed or landscaped area as approved by the ACC so as not to be seen from the street or adjacent properties except on days of garbage pick-up. Open storage or refuse is prohibited.
- c. Garbage shall not be placed out for collection sooner than 5 PM the night prior to scheduled pickup. Containers shall be brought in by 9 PM the same day of pickup.

12. ANTENNAS, FLAGPOLES, SIGNS AND MAILBOXES

- a. No exterior television or radio masts, towers, poles, antennas or aerials may be erected. Satellite dishes may be permitted in a diameter not to exceed eighteen (18) inches. *Placement and landscape buffering requirements must be determined by the ACC as a condition of approval for satellite dishes.*
- b. Any freestanding flagpoles must receive ACC approval.
- c. No signs of any type shall be erected or displayed on any structure or lot without the written permission of the ACC. The ACC shall determine form, size, color, content, and time of placement and location of any sign that is approved for placement. No sign shall be nailed or attached to a tree.
- d. Mailboxes have been designed and installed for each neighborhood by the builder. No modifications of the original installed mailbox will be approved by the ACC. By regulating the style of mailbox units, the ACC hopes to reduce the visual impact created by random design.

13. ACCESSORY STRUCTURES, PLAY EQUIPMENT AND DECORATIVE OBJECTS

- a. No structure of a temporary character shall be permitted or used on a homeowner's property at any time.
- b. All playground equipment or playhouses shall be placed to the rear of the property and only with approval of the ACC. Location on the lot and screening requirements may be a condition of ACC approval.
- c. No decorative objects such as sculptures, birdbaths, fountains and the like shall be placed or installed on the street side of any lot without the approval of the ACC except that not more than three (3) objects not exceeding 36" in height and 18" wide may be incorporated into existing landscape beds.

14. ATTIC VENTILATORS, SKYLIGHTS, GUTTERS AND DOWNSPOUTS

- a. Attic ventilators or other apparatus requiring penetration of the roof should be as small in size as functionally possible and should be painted to match the roof color. They should be located generally on the least visible side of the roof and not extend above the ridgeline. Approval of any ventilators must be obtained from the ACC prior to installation.
- b. Gutters and downspouts must match the trim or color scheme on the house and be as inconspicuous as possible. Runoff must not adversely affect the drainage on adjacent properties. All gutters and downspouts must have the approval of the ACC.

15. ENCLOSURES

- a. Enclosures are an extension of the home and have a significant impact on its appearance. All enclosures should be designed to conform to the contours of the house, color, and materials should be compatible with the existing home and surrounding homes.
- b. The roof of the patio enclosure should conform to the roof on the home as closely as possible.

16. PERMANENT BARBECUES

- a. Permanent barbecues may be permitted but should not be a dominant feature on the landscape. Permanent barbecues should be located so they will blend as much as possible with the surrounding area. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background or screening is available.

17. MAJOR EXTERIOR ALTERATIONS

- a. The design of major alterations should be compatible in scale, materials, and color with the applicant's house and adjacent houses.
- b. The location of major alterations should not impair the views or amount of sunlight and natural ventilation on adjacent properties.
- c. Roof pitch should match the type used in the applicant's house.
- d. New windows and doors should match the type used in the applicant's house and should be located in a manner which will relate well with the locations of exterior openings in the existing house. Front entrance glass doors may be approved.
- e. If changes in grade or other conditions, which will affect drainage, are anticipated they must be indicated. Generally approval will be denied if adjoining properties are adversely affected by changes in drainage.
- f. Construction materials should be stored so that impairment of views from neighboring properties is minimized. Excess material and debris should be immediately removed after completion of construction.

18. Holiday Lighting and Decorations

- a. Holiday lighting and decorations shall be removed within thirty (30) days after the holiday.

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