

# BOTANICA/SEA PLUM MASTER ASSOCIATION, INC.

## CONDENSED RULES AND REGULATIONS

(To be used as a quick reference only. Please refer to your documents for a complete set of Rules)

**Maintenance:** It shall be the duty of each Owner, at the Owner's sole cost and expense, to maintain, repair, replace and restore their respective Lot, including all Improvements located thereon in a neat, sanitary and attractive condition.

**Clothes Lines:** No outdoor clothes drying lines or related facilities shall be allowed within any portion of the Residential Property without the prior written consent of the Board, which consent may be withheld in the sole discretion of the Board.

**Trash:** No trash or garbage cans, supplies, or other articles shall be placed anywhere outside dwelling units and commercial buildings, including patios, except the night before trash pick-up day. To eliminate odors and vermin, all trash and garbage must be placed in plastic bags in garbage cans and deposited ONLY in the areas and on the trash pick-up days.

**Automobiles and Commercial Vehicles:** No commercial truck, commercial van, bus, recreational vehicle, mobile home, motor home, camper, trailer, or similar vehicle or boat may be kept overnight on the Property including within the designated parking areas unless totally enclosed in a garage and not visible from the outside. Prohibited Vehicles include, but are not limited to, those (i) not designed primarily for the routine transportation of people, rather than equipment or goods, or (ii) bearing any advertising, logo, or other signs or having printed on the sides, front, or rear of same reference to any commercial undertaking or enterprise, or (iii) containing tool racks, saddle racks, or other elements of a commercial nature. Any vehicle the state registration for which contains a designation of the type of vehicle .as anything other than "Automobile" shall be presumed to be prohibited. No vehicles shall be repaired anywhere within the Property, except on an emergency basis. No vehicle shall be left within the Property for more than one business day if not capable of self-propulsion. All vehicles, including motorcycles, mopeds, etc., shall be equipped with effective sound muffling devices.

**Nuisances:** No Owner shall make or permit (i) any loud and/or disturbing noises of a continuing nature, (ii) any noxious or offensive activity, (iii) any emanation of unpleasant odors, or (iv) any other nuisance or annoyance by himself, his family, employees, tenants, agents, visitors, and licensees, nor do or permit anything by such persons' that will interfere with the reasonable rights, comforts or conveniences of the Owners. Any ultra- hazardous activity permitted or undertaken by any Owner within any portion of the Property shall be a nuisance, subject to extra protection and/or assurances of safety provided to the Board.

**Sight Distance at Intersection:** All property located at street or alley intersections shall be landscaped so as to permit safe sight across the street/alley corners. No fence, wall, hedge, or shrub planting shall be placed or permitted to remain where it would create a traffic or sight problem.

**Antennas:** No radio or television installation may be permitted on a Lot which interferes with the television or radio reception of another Lot. No exterior antenna, aerial, satellite dish or other apparatus for the transmission of or receiving of television, radio or other signals of any kind shall be placed, allowed or maintained upon any portion of a Lot without the prior written consent of the Architectural Review Committee ("ARC"). ARC shall have the right to promulgate and regulate standards and guidelines restricting or limiting the dimensions, including the diameter, height, and length of any improvement and the location in which any of the foregoing improvements may be erected on the Property. If such improvement is permitted, the ARC may, in its sole and absolute discretion, require that parallel shrubbery or other improvements be installed to camouflage the presence thereof. In no event shall any ARC approved exterior antenna, aerial, satellite dish or other apparatus be permitted on the front portion of a Lot.

**Signs:** No sign, advertisement, notice or other lettering (except street numbers in front of Lots or names and addresses on mail boxes) shall be exhibited, displayed, inscribed, painted or affixed, in, on or upon any part of the Property, without the written consent of the ARC. The ARC shall have the right to prohibit any signs offering property for sale or rent or limit the size of such sign. No Owner shall cause any sign, advertisement, notice or other lettering to be affixed or attached to, hung, displayed or placed on the exterior walls, doors, patios, windows or roof, or any improvement similar or related thereto, unless approved by the ARC.

**Prohibited Parking:** No overnight parking shall be permitted on sidewalks or swale areas, and all parking shall only be permitted in driveways on Lots and/or designated parking areas within the Property (including the Lots). Subject to applicable laws and ordinances, any vehicle parked in violation of these or other restrictions contained herein or in the Rules promulgated by the Board from time to time may be towed by the Association at the sole expense of the owner of such vehicle, without warning.

**Garages:** No Owner shall cause any garage on his Lot to be permanently enclosed, converted, or otherwise remodeled to allow for occupancy of any occupants of the Lot.

**Pets and Animals:** Only common household pets, with the exception of pit bull dogs, belonging to Owners (or those occupying Lots through the authority of Owners including tenants), and pets which have been approved by the Board, will be allowed within the Property, subject to the following further restrictions: (1) Only common household pets may be kept in a Lot; (2) No pet shall be permitted outside a building except on a leash and at all times under the control of its Owner; (3) No other animals, snakes, livestock or poultry of any kind shall be kept on any portion of the Property; (4) No pets may be kept for the purpose of breeding or for any commercial purposes whatsoever; (5) No pets shall be allowed to constitute a nuisance; (6) Each Owner shall walk his pet only in areas designated by the Board, from time to time, as "Pet Walk Areas"; and (7) Each Owner shall promptly remove and dispose of waste matter deposited by his pet through a proper sewage receptacle. The Board shall have the right to promulgate Rules further restricting the keeping of pets. The Board may from time to time define common household pets; (8) For new tenants and owners there is a one-time dog fee of \$300.00 per dog.

**Landscaping/Exterior Sculptures:** Except for such landscaping originally provided by the developer and any replacement thereof, no additional lawns, trees, shrubs, hedges, bushes or plantings shall be placed or installed on any portion of a Lot without the prior written approval of the ARC, which may be withheld in its sole discretion. In addition, no exterior sculptures, fountains, flags (with the exception of an American flag) or similar items shall be installed on any portion of a Lot without the prior written approval of the ARC, which may be withheld in its sole discretion.

**Artificial Turf Policy for Botanica/Sea Plum HOA**  
**Requirements for Artificial Grass/Turf Installation:**

- 1) The artificial grass product must be made of Polyethylene and have a minimum face weight of 36oz with a permanent backing.
- 2) The color must be similar to the geographical area, preferably a blended, multi-color monofilament fiber and a minimum pile height of 1.0 inches.
- 3) Artificial grass/turf will be allowed inside gated areas to include courtyards, backyards or side yards. It will not be allowed in front yards.
- 4) Professional installation is required, and infill should meet the manufacturers specifications. If the manufacture recommends a weed barrier, then that will be required.
- 5) Artificial grass/turf must be cleaned as necessary and periodically groomed to maintain a clean appearance.
- 6) Artificial grass/turf products will be inspected periodically by the ARC/BOD to ensure the aesthetic properties are maintained. The Board of Directors/ARC reserves the right to require replacement if it is not to community standard as determined by the ARC/BOD.

**The Following Shall Be Submitted in The Application To The ARC Should An Owner Wish To Install Artificial Grass/Turf On Their Property:**

- 1) A sample of the product including model name, style, and color
- 2) The name of the manufacturer
- 3) The name of the installer
- 4) Photos of the area that owner wishes to cover along with proximity areas (shows where the product wishes to be installed along with the surrounding areas)
- 5) The quote from the selected vendor

**Portable Storage Container Policy for Botanica/Sea Plum HOA:** The following represents guidelines and requirements for members of the Botanica/Sea Plum HOA who desire to utilize a portable storage container (sometimes referred to as "PODS"). Referencing Article 10.10.24.

Portable temporary storage units (such as containers provided by PODS, Smart Boxes, or other similar moving and storage companies for the storage of personal property) will be permitted under the following conditions:

- 1) The temporary storage unit will be allowed within the Botanica/Sea Plum community for a maximum of 7 (seven) days.
- 2) Temporary storage units may only be placed in a resident's driveway. They are not allowed on the street. Only 1 storage unit per home will be permitted.
- 3) The Homeowner is responsible for the cost and repair of any damage caused by the placement, storage and/or removal of such a unit to any common property and areas, which includes parking lots and/or homeowner property.
- 4) Homeowner is responsible for providing prior written notice to the ARC. Such application shall clearly state the supplier of the temporary storage and the dates of the use of the storage unit.

**Leases:** (1) No Lot, including improvements located thereon, shall be leased or rented for a term of less than six (6) consecutive months. (2) A completed application form must be approved, a copy of the lease provided, and the application fee paid to the Management Company prior to the lease commencement date. (3) Property cannot be leased for 1 year from the date of Purchase. (4) Any violations must be addressed prior to Lease/Purchase Application approval. (5) Outstanding dues or fines must be resolved prior to Lease/Purchase Application.

**Window Coverings:** All windows on any residential structure which are visible from the street or dwellings on other Lots shall have window coverings which have white or off-white backing or blend with the exterior color of the dwelling, as approved by the ARC. Reflective window coverings are prohibited.

**Hurricane Shutters:** As part of the initial construction of a Dwelling Unit upon any portion of the Property, there shall be provided hurricane shutters and the appropriate methods to affix the hurricane shutters over all windows within the Dwelling Unit. Each Owner shall be responsible to maintain their shutters and any replacements thereof so that the shutters are available at all times to be installed. It shall be the responsibility of each Owner to install their shutters within 24 hours of the time the National Weather Service officially issues a hurricane warning for an area including the Property. This deadline for installation shall be hereinafter referred to as the "Installation Deadline". In the event that the Owner is not available to install the shutters timely, the Owner may make adequate provisions for others to install the shutters when required prior to the Installation Deadline. In the event that the shutters are not installed by the Installation Deadline then the Association shall have the right, but not the obligation, to come upon the Owner's property to install the shutters. If the Association installs the Owner's shutters, then the Owner shall be responsible to pay the Association for all costs to accomplish the installation, including the purchase of additional panels if the Owner's panels are not readily available (which payment shall be due within fifteen (15) days of receipt of a bill from the Association and shall be considered an Individual Assessment).

**Hurricane Shutter Removal:** The Botanica/Sea Plum Community Allows for the employment of hurricane shutters on windows during the hurricane season which extends from June 1 to November 31<sup>st</sup> each year. Although the deployment of hurricane shutters is at the owner's discretion. Heretofore, there has not been an established policy for the removal of these hurricane shutters.

This policy is intended to clarify the HOA's position regarding the removal of shutters after the threat of a hurricane has passed.

At the owner's discretion, hurricane shutters are allowed to be placed over non-hurricane rated windows at the time the National Weather Service names a hurricane, and Local Authorities issue a hurricane watch or warning. At this time, residents should proceed to install the hurricane shutters.

The shutters can remain in place until the hurricane has passed and the shutters can remain in place until the hurricane has passed and no longer represents a threat to our community. The owner will be responsible to remove the shutters 14 DAYS AFTER THE PASSING OF THE HURRICANE.

An exception to this policy is if within 1 to 14 days after the passing of the hurricane. The National Weather Service identifies and names another hurricane that may represent a threat to our community. If this should occur, the shutters will be allowed to remain in place. Once the National Weather Services determines that the following hurricane no longer represents a threat or that the hurricane passes, owners will have 14 Days from the threat being lifted or the storm passes to remove the shutters.

**Flag Policy for Botanica HOA:** Residents of Botanica HOA may fly flags in strict accordance to the following policy.

- 1) Location and placement of flags should be temporary and be flown during holidays and special occasions. Sports flags may be flown during the start to finish of the sports season. No flags shall be allowed to be flown year-round with the exception of the flags listed in 2).
- 2) Under Florida law, members of a homeowners' association have the right to display no more than one flag of the United States or Florida. Homeowners may instead choose to display a flag of the United States military or a Prisoner of War--Missing in Action (POWMIA) flag without regard for any rules relating to the homeowners' association. The only caveat is that the flag must be portable or removable and no bigger than 4.5 feet by 6 feet. Florida allows homeowners to place a flagpole on their property as long as it is no taller than 20 feet and does not obstruct the view of neighbors or street signs. Chapter 720.304 (2)(b) allows two flags to hang on the pole as long as it is a flag of the United States, Florida, or a flag of the United States Armed Forces.
- 3) Flags must be in good condition, not torn or faded, and secured to a properly installed flagstaff.
- 4) No more than two (2) flagstaffs (one flag per staff) with a maximum length of four (4) feet, mounted at a forty five (45) to ninety (90) degree angle from the vertical face of the house may be attached to the front of a house. Flagstaffs can only be attached to the house at one point.
- 5) No flags are allowed on the side of a house. Flags that are offensive in nature shall not be permitted. "Offensive" includes, but is not limited to, the following categories of words, expressions or depictions:
  - (a) Profanity or curse words
  - (b) Vulgar or obscene expressions, graphics or depictions
  - (c) Language that uses insulting terms to refer to a race, sex, nationality, religion or handicap
  - (d) Foreign flags or other state flags.
- 6) Flags are divided into three categories:
  - (a) Flags mounted on a house

Flags or banners may be attached to the house using a device designed for this purpose. Flag poles may be located at two specific locations on the house. Poles may be mounted on either side of the front door (on the frame), or on the exterior sill of any window on the house.
  - (b) Flags mounted on a free-standing pole (not permitted) with the exception of flags outlined in 2) above.
  - (c) Flags mounted within the perimeter of the homeowner's property at least 4 feet from the sidewalk using a seasonal device ((i.e.; Shepard's hook)

Flags of the seasonal nature (i.e.; holidays, sports, etc.) may be hung using a garden-style device designed for the purpose. Typically, these structures are wrought iron or other lightweight material. These flags should be placed no closer than one (4) foot to the nearest property line.

No flag shall be greater than three feet (3) by five feet (5) in size. (with the exception of 2) above)

SPECIAL NOTE – When a flag displayed in any location or by any means becomes torn or tattered it must be removed and properly repaired or destroyed.

**Botanica HOA Basketball Hoops and Systems Policy:** Basketball hoops and systems are allowed within our community subject to the following rules, regulations, and restrictions. The allowance of basketball hoops and systems and the continued use of these systems must comply with the guidelines below.

Rules and Regulations:

- 1) Only “portable” basketball hoops and systems will be allowed. No permanent in the ground or basketball hoop that are attached to a structure in a permanent manner will be allowed. The design shall be portable and dismantled and secured within no more than 4 hours if required. (for example, during hurricane watches or warnings).
- 2) Basketball hoop and system shall be installed behind homes (non-street side) preferably on the pavers in the homeowner’s driveway. Basketball hoop and system shall not be placed, at any time, on any street or right of way located within the neighborhood. Basketball hoop and system must be located so that stray basketballs do not become a nuisance in adjacent yards or cause a safety hazard to vehicle traffic.
- 3) Basketball hoops and system supports must be painted and properly maintained at all times with the net in good repair. The system must be maintained in such a fashion that they do not detract from the neighborhood, such as, but not limited to: replacement or repair of torn or missing nets, bent rims, bent or broken supports, worn or discolored backboards, rusted/discolored poles, or leaning poles.
- 4) Bases must present a neat, kept appearance. Bases properly filled with sand or water per the manufacturer’s instructions meet the criteria. Note: A small amount of chlorine bleach will keep the water in the base from becoming moldy. Bases weighted down with trash or refuse (stones, bricks, cinder blocks, dirt bags, etc.) DO NOT meet the above criteria.
- 5) The backboard should be predominantly white, beige, clear, or light gray in color. Fluorescent colors are not permitted. Basketball hoops and systems shall be installed on commercially made, regulation sized (or smaller) backboards. Backboards shall be constructed of heavy gauge fiberglass, Plexiglas, graphite-blend or aluminum. The post and supports shall be painted black, gray, or earth tone, or be galvanized or aluminum in color. Bases may be black, gray, green or other earth tone in color.