



# **Evergrene Master Association, Inc.**

## **Amended Rules and Regulations, Exterior Appearance, Architectural and Landscape**

**Approved by the Board of Directors on June 19, 2019  
At 650 Evergrene Parkway, Palm Beach Gardens, FL 33410**

**Effective July 10, 2019  
As recorded in the Official Record Book 30740 at Page 0523  
Of the Public Records of Palm Beach County, Florida**



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Evan R. Bachove, Esq.  
FIELDS & BACHOVE, PLLC  
4440 PGA Boulevard, Suite 308  
Palm Beach Gardens, FL 33410

**CERTIFICATE OF RECORDING RULES & REGULATIONS FOR EVERGRENE  
MASTER ASSOCIATION, INC.**

WHEREAS, the Amended and Restated Declaration of Covenants, Conditions and Restrictions for the Evergrene Community was recorded in Official Records Book 25114, Page 1273, of the Public Records of Palm Beach County, Florida, and subsequently amended (collectively referred to herein as the "Declaration"); and

WHEREAS, Section 3.3 of the Declaration grants the authority to Evergrene Master Association, Inc. (the "Association"), through its Board of Directors, to make and enforce rules and regulations governing the use of the Property, a Lot or a Unit.

**NOW THEREFORE:**

1. It is hereby certified that the attached Rules & Regulations were duly adopted by the Association, through its Board of Directors, and that said Rules & Regulations shall replace and supersede any previous versions of the Rules & Regulations.
2. The Rules & Regulations attached hereto shall run with the real property subject to the Declaration, and shall be binding on all parties having any right, title or interest in the said real property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit and burden of each owner and occupant thereof.

IN WITNESS WHEREOF, this action having been approved by the Board of Directors of Evergrene Master Association, Inc., the undersigned President and Secretary have executed this Certificate of Recording this 1st day of July, 2019.

**EVERGRENE MASTER ASSOCIATION, INC.,**  
a Florida not-for-profit corporation

Witnesses:

[Signature]  
(signature)  
Stefanie Mical  
(printed name)

[Signature]  
(signature)  
PEGGY W. BERTSCHE  
(printed name)

[Signature]  
(signature)  
PEGGY W. BERTSCHE  
(printed name)

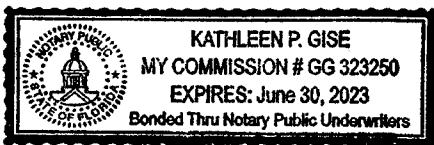
[Signature]  
(signature)  
Carrie Voltz  
(printed name)

By: [Signature], President  
Stephen Brooksky

Attest: [Signature], Secretary  
Dana Scott

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 1st day of July, 2019, by Stephen Brooksky, as President, and Dana Scott, as Secretary, respectively, of EVERGRENE MASTER ASSOCIATION, INC., ~~who are personally known to me~~ or have produced as identification and who did take an oath.



(Notary Seal)

[Signature]  
Notary Public  
State of Florida  
My Commission Expires:

Substantial rewording. See previous Landscaping Rules for previous text.

**EVERGRENE MASTER ASSOCIATION, INC.**  
**EXTERIOR APPEARANCE RULES**  
**(Architectural and Landscaping)**

**1. PHILOSOPHY AND APPLICABLE RULES.**

**1.1 Philosophy.** These Evergrene exterior appearance rules serve to inform homeowners about their responsibilities with respect to exterior and outdoor areas of the Evergrene community, including private yards. The objective of these Rules is to ensure that Evergrene continues to flourish as an aesthetically attractive community that uses environmentally sound management practices. Accordingly, these Rules are designed to maintain high standards of appearance while using predominantly native plants in landscaping, minimizing the use of potable water for irrigation, and protecting preserve areas from non-native and invasive species.

**1.2 Applicable Rules.** With respect to architectural and landscaping matters, all residents of Evergrene are required to comply with (i) state and federal laws relating to construction, permitting and plant materials, (ii) requirements imposed by the City of Palm Beach Gardens, (iii) any requirements imposed by other governmental agencies such as the South Florida Water Management District, (iv) the governing documents of the Evergrene community which establish the Evergrene Master Association, Inc. (“Association”) and also include (v) these Rules, as they may be revised from time to time by the Association.

**2. RESIDENTIAL LOTS**

**2.1 Landscape Maintenance and Standards**

**2.1.1 Division of Responsibility.** The Association maintains, but is not required to replace, all lawns, shrubs, hedges, grass and other landscaping situated within each residential lot in Evergrene. The Association engages a landscaping company to mow lawns and perform certain landscape maintenance on residential lots. All other maintenance is the responsibility of the homeowner. If a homeowner desires to perform his or her own landscape maintenance and does not wish to receive services from the Association’s contractor, the homeowner must so advise the Association in writing, but the home will continue to be assessed by the Association for its share of the cost of landscape services.

**2.1.2 General.** All landscape areas shall be maintained on a regular basis, to include weeding, watering, fertilizing, pruning, mowing, edging, mulching, replacement of

dead or missing landscaping, removal of prohibited plants, and other horticultural practices that are needed to keep landscaping in good condition, free from disease, insect pests, weeds, refuse, and debris per the current landscape provider contract. Owners are responsible for prompt removal and replacement of any dead or diseased grass, shrubs, trees or other vegetation on their property. However, alterations to landscaping require the prior approval of the Association as described in Section 2.3.

### **2.1.3 Lawns.**

1. Owners are responsible for the replacement of any dead grass at the homeowner's expense. All natural lawns must be comprised of a variety of St. Augustine grass, except that Bahia grass is permitted in waterfront areas.
2. Artificial grass or synthetic turf is not considered a groundcover; it is evaluated as an architectural feature similar to pavers and requires prior approval by the Association.
3. No artificial grass shall be installed in the front yard. If permitted by the Association in another area of the lot, the artificial grass must be natural in appearance and comparable in appearance with natural turf in the community and be integrated into the overall landscape design in a natural looking manner, so as not to appear as a sports field. All artificial grass must be screened by a planting bed bordering the perimeter of the property, so that the artificial grass does not meet natural grass, except for any area bordering a preserve or lake.
4. The Association highly encourages homeowners to use an experienced professional installer to ensure a sound installation plan to improve form, function, stability and drainage for the site.
5. Artificial turf and installations must meet the following requirements: It must be covered by a manufacturer's warranty of at least seven (7) years. The length of the artificial turf shall be a minimum of 1½ inches, not to exceed 2¼ inches. Irrigation hardware or lines must be capped or relocated if covered or otherwise interfered with by the turf; trees and shrubs are to be sufficiently watered. The turf and installation must provide adequate and certified drainage both horizontally and vertically. The turf may not be placed directly on top of existing grass. Sod and dirt must be removed, and to allow proper drainage an aggregate base of clean, new compactable material a minimum of three (3) inches must be installed under the artificial turf surface, in accordance with the turf manufacturer's specifications or based upon standard industry guidelines. Only turf requiring infill installation will be allowed. Infill material installation shall be according to the turf manufacturer's specifications or based upon standard industry guidelines.
6. Artificial grass shall be maintained in like-new condition, color and uniformity with no tears or seams visible. Edges must appear natural. Any fading or deterioration of wear patterns or incidental damage of the product

will necessitate replacement upon notice by the Association. Artificial grass must be kept free of debris, dirt and odor.

7. Artificial grass is not permitted to be installed on or in drainage easements or other easements held by the Association, public or private authorities or agencies, public or private utilities or telecommunications entities.

8. All of the above requirements apply to putting greens, Turf requirements and installations must be followed with these exceptions: the turf must be specific to putting greens, and the pile height must be a uniform height at ½ inch or 1 inch. In addition, putting greens must not create a nuisance or hazard of any kind to adjacent lots or common areas.

9. The following must be submitted with the application to the Architectural Review Committee: A survey of the property; a photo or photos of the area to be covered by the artificial grass as well as a description of the method of installation; a sample of the product including the model name and style; a complete product specification sheet from the manufacturer, the manufacturer's warranty on the product being submitted, and plans for any planting buffers.

#### **2.1.4 Shrubs and Seasonal Plants.**

1. Homes must have foundation plants or a hedge that surround the structure. The location and size of this foundation landscaping shall be of a height (a minimum of 24 inches at installation) and quantity to visibly soften bare walls, accent building facades, and help direct pedestrian traffic to building entrances. The Association's landscaping contractor trims shrubs on a routine, periodic basis. *(See also B. in the attached addenda, Schedule 1 to Evergrene Landscaping Rules - Minimum Standards.)*

2. Groundcover plants that are used under trees, along a walkway, or in tiered landscaping, among other uses, may be between 12 inches and 30 inches at installation, depending on the species. *(See also C. in the attached addenda, Schedule 1 to Evergrene Landscaping Rules - Minimum Standards.)*

3. If an owner elects to add seasonal color to an individual lot at the owner's expense, the seasonal plants shall be maintained and replaced by the owner at the sole cost of the homeowner. When seasonal plants die, the homeowner is responsible for removing the dead plants and ensuring that the planting area is covered in an approved groundcover, as described in Section 2.1.10., or groundcover plantings.

### **2.1.5 Trees - General.**

1. With the exception of Kenwood Forest and homes located on Stoney Drive, all residential lots must have an oak tree as a street tree within the road right of way or within 15 feet of the property line, and all street trees (trees located within 10 feet of the right of way or back of sidewalk) must be oaks, in accordance with Palm Beach County Municipal Code as implemented by Evergrene PCD plans. Each residential lot is required to have the number of canopy trees defined in the attached addenda, Schedule 1 to Evergrene Rules - Minimum Standards, except that two palm trees can substitute for one canopy tree other than the street tree (which must be an oak). For purposes of these Rules, a “tree” must meet the minimum criteria specified in that attached addenda, Schedule 1.
2. The Association’s landscaping contractor removes dead branches, fronds and seed pods from trees on a periodic basis, but only up to the height specified in the contract. Maintenance work on taller trees is the sole responsibility of the owner. The Association contracts with an arborist for structural pruning of the oak trees located in front yards, but the Association’s contractor is not responsible for pruning other oak trees on residential lots. Homeowners should consult with an arborist for thinning of trees, removal of problem limbs, or other substantial work on trees other than oaks located in front yards.
3. “Hat racking” of trees is strictly prohibited. Hat racking is a severe pruning technique that includes: flat-cutting the top or sides of a tree, severing the leader or leaders; making intermodal cuts; pruning a tree by stubbing off mature wood larger than three inches in diameter; or reducing a mature tree’s total circumference or canopy spread by one-third or more. If a tree has been hat racked, corrective pruning will be required at the homeowner’s expense and a mandatory corrective service plan through a certified arborist must be submitted and approved by the Association.
4. Some species of trees, including but not limited to white bird of paradise, traveler’s palm, fishtail palm, and lady palm (Rhapis palm), freely spread out. Homeowners are responsible for controlling spread at their own expense.



### **2.1.6 Palm Trees.**

The palm trees permitted in Evergrene are generally self-pruning; fronds drop to the ground when dead. In the event a homeowner wishes to prune the fronds from a palm tree on that owner's property, the fronds may only be pruned from "3 o'clock to 9 o'clock." In other words, only those fronds that are below horizontal may be pruned, while all fronds that are horizontal and upright must remain. Additionally, the Association's landscaping contractor is limited in the height to which it will prune palms, so removal of seed pods and dead fronds higher on palms trees is the sole responsibility of the homeowner if the owner desires removal. *(See also the attached addenda, Schedule 1 to Evergrene Landscaping Rules - Minimum Standards.)*

### **2.1.7 Fruit Trees.**

Fruit trees are not native to South Florida and require significantly more fertilization and upkeep than other trees. Accordingly, no fruit trees may be planted in the ground of any lot. Fruit trees may be planted only in containers, and at least 10 feet from the property line, with the prior approval of the Association. The homeowner shall be solely responsible for fertilizing and pruning and collecting fruits. Strong consideration should be given to the wildlife and insects drawn to ripe fruit that falls to the ground and is not promptly picked up. Requests for the container installation of any fruit tree will be reviewed on the basis of height and canopy size. Species with a mature height of more than 30 feet, including mango, avocado and tamarind, are not permitted.

### **2.1.8 Hedges and Tiered Landscaping.**

1. Hedges located in the front of any homes may be no higher than four (4) feet. The maximum height that the Association's landscaping contractor will trim any hedge in side yards and backyards is eight (8) feet. In the event a homeowner wishes to keep a hedge at a higher level, the homeowner (i) must obtain the written approval of the Association, in which event the landscaping contractor will no longer maintain the hedge, and (ii) is responsible for keeping the hedge trimmed.

2. Plantings in front yards must be maintained at different heights to achieve a tiered effect within planting beds. Each planting bed must have multiple tiers and species. There are generally three basic principles and categories of plant heights: large third tier (small trees or large shrubs), medium second tier (shrubs that are three to four feet high) and small first tier (groundcovers plants and small shrubs up to two feet). All planting beds must contain at least two tiers, and the overall

landscape of a home must contain all three tiers. In particular, all three tiers should be evident in the landscape along the front façade of the home.

### **2.1.9 Vines.**

1. Homeowners are responsible for training any vines on a trellis or otherwise fastening the vine to their home. Vines installed onto a wall that will face a street must have no visible means of support onto the wall. Use of thin, stainless steel cables or non-corrosive hooks in a wall to aid the climbing of a vine is permitted.
2. The landscaping contractor is instructed to trim all vines at a specific height that is consistent with the contractor's maintenance obligations. In the event a homeowner wishes to keep a vine at a greater height, the homeowner (i) must advise the Association in writing, in which event the landscaping contractor will no longer maintain the vine, and (ii) is responsible for keeping the vine trimmed.

### **2.1.10 Groundcover, Mulch and Stones.**

1. Only natural groundcovers are permitted in Evergrene. Without prior consent of the Association, homeowners may install (i) natural mulch (natural colored only, not colored) or (ii) pine straw. Mulch should be "eco-mulch," which is made from waste wood such as tree trimmings from power line clearance, and not cypress mulch, which is typically manufactured by clear-cutting trees from cypress wetland ecosystems. Shredded rubber, dyed mulch and any other artificial groundcover are prohibited in Evergrene.
2. With the consent of the Association, homeowners may install stones as groundcover only in backyards, side yards and courtyards and with a border that separates it from any grass. All stones must be contained by a landscape partition. Neither the Association nor the Evergrene landscaping contractor shall bear any responsibility or liability for damage or injury caused by the stones. The homeowner has full liability for injury to any person, employee, or property damage caused by the stones. Association will approve stones as ground cover only when natural ground cover is not feasible for the property. Stones installed without ARC permission will be decided in accordance with this rule.

### **2.1.11 Rights of Way and Easement Areas.**

The developer of Evergrene established a number of easements and rights of way throughout the community, such as lake maintenance easements that

encumber areas within 15 feet of the lake boundaries. These easements, such as lake, utility, drainage, fire access easements and rights of way, must be maintained by the Association in accordance with the terms of the recorded instruments, which typically permit only sod in the easement areas. Homeowners may not install fences, shrubs or trees, or any other structures or landscaping in any rights of way or in any easement areas in favor of the Association or maintained by the Association without approval from the Association and any easement holders, like utilities and telecommunication entities.

## **2.2 Architectural Maintenance and Standards.**

### **2.2.1 Irrigation.**

1. The landscaping contractor is responsible for replacement and modification of sprinkler heads, which shall be at the homeowner's expense, unless the Association elects in its sole discretion to pay the cost, or homeowners choose to replace sprinkler heads themselves, with the exception of Kenwood Forest, whose irrigation is controlled by the Association.
2. Owners are responsible for reporting damage to their irrigation system to the Association, which will submit a work order to the contractor. Homeowners are responsible for any modifications to their irrigation system including those that may be required because of the growth of plants (such as increasing the height on pop up sprinklers, or altering the spray patterns to direct less water to shadier areas), with the exception of Kenwood Forest. Homeowners are responsible for notifying the Association if their irrigation systems are not working or are improperly programmed for any yard-watering schedule imposed by the South Florida Water Management District or other governing authorities.
3. Each owner shall properly irrigate the lawn (sod) and vegetation on the owner's lot. Failure to properly irrigate or maintain the irrigation system may result in severe damage to the lawn and landscaping, and all replacement of the lawn and vegetation is the responsibility of the owner. The use of lake water for a private property's irrigation system is not permitted.

### **2.2.2 Fences, Pools, Dog Runs, Invisible Fences, Hot Tubs, Screen Enclosures.**

1. Fences, pools, hot tubs and screen enclosures require approval by the Association and a permit from the City of Palm Beach Gardens prior to installation. Shrub or hedge screening is required, with exceptions noted below.

2. The Association's Architectural Review Committee establishes the requirements for the size and style of permitted fences. Fences are not permitted in front yards. The only style of fence permitted in Evergrene is powder-coated aluminum fencing with square pickets and rails located at the top and bottom of the fence, in a black or "bronze" color. Fences may be up to, but shall not exceed, four (4) feet in height.

3. Fences and pools (including pools within screen enclosures) visible from the rights of way or from other properties must be landscaped with a hedge or a combination of trees and shrubs at least three (3) feet in height (which should be at a height of at least 24 inches at installation) to conceal the fence, except that no landscaping is required on any fence that directly abuts a preserve area.

4. Hedge material should generally be planted on the exterior of the fence to screen it from view, except that if a fence is located on the property line, the owner must install the required hedge on the inside of the fence. On any side of a yard with a fence or pool that faces a lake, the vegetation that screens the fence or pool may have up to two vistas (openings in the hedges), each no more than eight (8) feet in length.

5. Homeowners are solely responsible for maintaining and repairing fences on their property. Any vines located on fences will be trimmed by the Association's landscaping contractor at a level of no more than two (2) feet from the fence. Fences with hedge screening on the front of the property shall not extend beyond the farthest front portion of either the house or the garage, whichever is further forward. Hedge material must be installed within 30 days of receipt of a Certificate of Completion from the City of Palm Beach Gardens.

6. Dog runs and animal pens are not permitted on any lot.

7. Invisible fences shall not be permitted on any lot.

8. Screened enclosures are not permitted in front yards, except for condominium units, which require approval by the Association. Only dark bronze, black aluminum frames will be permitted with charcoal screening color. The use of hard-top, impervious roofs (aluminum insulated panel, fiberglass, etc.) for screened rooms is not permitted. Landscape screening is required for screen enclosures. Homeowners are solely responsible for maintaining and repairing screen enclosures on their property.

9. Above ground, free-standing hot tubs and spas that are not a part of a pool must have Association approval prior to installation and must meet the safety rules of the City of Palm Beach Gardens. They must be kept in the rear yard, on a screened or open patio or pavers, and be located and screened by approved landscaping to minimize their impact on neighboring properties.

Safety covers are mandatory and must be adequately secured when the tub is not in use. The tub manufacturer's brochure for the product or information sheet with photo must be included in the application submittal to the Architectural Review Committee.

### **2.2.3 Parking, Temporary Storage, Driveways, Paver Areas and Carports.**

1. No vehicles or equipment are permitted to park in sodded areas at any time.
2. Portable On Demand Storage ("PODS") or similar moving-and-storage containers must have prior approval by the Association, may be located only in driveways, and must be removed from the homeowner's property within seven (7) business days after delivery.
3. Circular driveways are not permitted. Privacy or security gates to close off a driveway from the street are not permitted.
4. Prior approval of the Association is required for any alteration or widening of driveways, walkways or other paved areas.
5. A driveway expansion will be approved by the Association if it meets all of the following criteria: (i) both sides of a driveway may be widened beyond the width of the garage door up to but not beyond the width of the garage structure, and the added width does not exceed three (3) feet on either side and does not extend beyond any applicable setbacks or property lines; (ii) the edge of the driveway must be at least five (5) feet from the center of the front oak tree; (iii) the widened portion of the driveway must start at least two (2) to four (4) feet in front of the garage structure in order to accommodate tiered landscaping, and (iv) foundation plants must be maintained in front of the garage structure. Some exemptions in the criteria dimensions may be made for homes with side-load garages; approval will rest with the Architectural Review Committee. The paver bricks of any driveway adjacent to a sidewalk must be continuous and uninterrupted from the paved street including architectural aprons on both sides of the driveway. The paver bricks must extend across and include the area directly even with the remaining existing sidewalk.
6. The style, color and material of the paver bricks of the driveway must continue uninterrupted from the street onto the porch and into any walkways up to the courtyard gate or courtyard entry point. Paver bricks or similar materials may not be placed directly against the foundation of a home in the front of the property, except within courtyards or where side-load garages exist. If paver bricks or similar materials are placed directly against the rear or side of a home, the owner must install landscaping at or beyond the edge of the surface to compensate for the absence of foundation plants on the home's exterior.
7. Carports, two (2) sided structures or open-air roof coverings for parking under are not permitted. Freestanding or anchored fabric-covered open-air parking tents are not permitted.

## **2.2.4 Garage Doors.**

Garage doors must be closed at all times when the garage is not in use. The replacement of a garage door must approximately match the exterior appearance of the door that is being replaced and requires approval by the Association.

## **2.2.5 Exterior and Landscape Lighting, Home Numbers, Artistry, Cameras.**

1. Approval is required for any changes or additions to or installations of exterior carriage or entry lighting, and alternative house number styles.
2. The Association highly encourages homeowners to use their exterior lights at night for security purposes. This includes the entry lights, porch lights and the garage carriage lights.
3. Approval is required for any changes or additions to or installations of exterior lighting. Carriage lights may emit only white illumination and the wattage must be appropriately sized. The carriage light fixtures must be mounted to the stucco and appropriately scaled in size to the residence. No fixtures resembling people (real or fictional) or creatures (real, fictional or extinct) are permitted. Light fixtures must be black, bronze, or brown. Approval will rest with the Architectural Review Committee.
4. In-ground landscaping lights, cord-electric or solar, do not require Association approval. Upward-pointing lights used to highlight a tree or a home's architectural feature shall be aimed up onto that landscaping or feature only and not onto a neighbor's property or toward the street. Illumination must be white only. Small solar lights that reflect light down into planting beds or along a walkway must be positioned in shrubbery or a planting bed and must be maintained in an operational condition, and must not be broken or falling over. Illumination must be white only. Neither the Association nor the Evergrene landscaping contractor shall bear any responsibility or liability for damage to in-ground lighting. Any in-ground lighting is the responsibility of the homeowner.
5. Affixing personal signs, drawings or similar artistry to a home's exterior walls, doors, balconies or windows visible from the right of way requires approval. No prior approval is needed if a homeowner or resident chooses to affix to the doorframe only a small religious item motivated by a sincere religious belief.
6. With prior approval, a lot owner whose home has an original sunken-relief sculpture as an architectural feature may apply new material or a new design provided that it does not rise above or beyond the original surface of the

carving. Materials used may include, but are not limited to, paint, tile or mosaic, or another low-relief image in the same material. The artwork shall not contain text, offensive material or religious images, and must exhibit skilled application or installation standards and be designed under the supervision of a qualified artist or other qualified professional who has sufficient knowledge and experience in the design and execution of such a project, as evidenced by examples of previous projects. A photo and detailed drawing of the proposed change, drawn to scale with complete dimensions, must be included in the application submittal to the Architectural Review Committee. The drawings must show the site location, plans, elevation and materials to be used.

7. Home address numbers must be no smaller than four and a half inches (4 1/2) and no larger than seven (7) inches and must be affixed to the front of the home. The numbers must be black, bronze or brown and in the same style as the neighborhood standard. Approval of other styles will rest with the Architectural Review Committee. The numbers must be displayed alone and not attached to or added to any display of artistry or any similar item.

8. Private security cameras shall be visible and obvious and may not be installed in the common areas or on another homeowner's property. They shall be installed so as to only photograph the immediate vicinity of the homeowner's property and common areas. Security cameras may not be directed toward the windows or doors of adjacent properties or otherwise intrude on an area where a neighbor would have a reasonable expectation of privacy. Any recordings made by a homeowner's security cameras are the property and responsibility of the homeowner. The Association shall bear no responsibility nor have any liability for the recordings.

#### **2.2.6 Accessory Structures and Outdoor Play Equipment.**

1. Outdoor play equipment, including trampolines and tot lots, if approved for installation by the Association, are not permitted in front yards and must be screened from view with hedge or similar landscape material, at least three (3) feet in height at installation and maintained to eight (8) feet to conceal the equipment. The homeowner is responsible for the height and condition of the grass under outdoor play equipment and trampolines. The grass must be mowed on a regular basis and be maintained in good condition.

2. Basketball hoops, if approved by the Association, must be of a temporary rollaway design, maintained in good, working condition and not left in driveways or on common areas when not in use. They must be stored indoors or next to the garage. A survey of the property and a drawing indicating the storage location of the basketball hoop must be included in the application submittal to the Architectural Review Committee.

3. "Outdoor kitchens" consisting of a permanently installed counter area with built-in barbeque grill must meet setback requirements and have prior Association approval. The counter unit shall be stainless steel or finished with stucco to approximately match the home, or be constructed of brick, stone or similar masonry. Powder-coat colors that do not match the home are not permitted. Electrical and plumbing functions require permits from the City of Palm Beach Gardens. The manufacturer's brochure for the product or information sheet with photo must be included in the application submittal to the Architectural Review Committee.

4. Greenhouses, gazebos, and tea houses are not permitted on any lot.

5. Tiki/chickee huts and similar open-sided structures with palm or palmetto thatched roofs or similar grasses or with synthetic palm material and supported by poles are not permitted on any lot. Similarly, thatched outdoor umbrellas, natural or synthetic, are not permitted.

6. Permanent or temporary utility or storage sheds are not permitted on any lot.

7. Pergolas must have prior approval by the Association and shall be in a style that is an Evergrene standard. The maximum height of pergolas shall not exceed 12 feet. Pergolas must have a minimum of three (3) top cross beams, must conform to all setback and zoning requirements, be structurally sound and be anchored to withstand high winds in accordance with Palm Beach Gardens codes and permits. The contractor's building plan or the manufacturer's brochure for the product or information sheet with photo must be included in the application submittal to the Architectural Review Committee

8. Trellises must have prior Association approval and must not exceed 12 feet in height. Vines installed onto a wall that will face a street must have no visible means of support onto the wall. The use of thin, stainless steel cables or non-corrosive hooks in a wall to aid the climbing of a vine is permitted.

9. Arbors used for decorative and garden applications are permitted in backyards or courtyards only, must have prior Association approval and must not exceed eight (8) feet in height, four (4) feet in width, and four (4) feet in depth. The arbor must meet all setback requirements, be designed to support plant or vine growth and be maintained in good condition with plants or vines growing on it. The manufacturer's brochure for the product or information sheet with photo must be included in the application submittal to the Architectural Review Committee. As arbor styles and shapes vary, approval will rest with the Architectural Review Committee.



### **2.2.7 Equipment.**

1. All pool pumps, pool filters, pool controls, whole-house generators, air conditioners, and similar exterior ground-mounted equipment must be screened from view with hedge or landscape material that is at least 48 inches high.
2. Like all exterior equipment, outdoor tankless water heaters require prior approval by the Association. Visible accessory components, such as wiring, piping, attachments, and pumps must be painted to approximately match adjacent walls.

### **2.2.8 Storage.**

Toys, bicycles, portable playground equipment, and other recreational items must be removed from yards, sidewalks, driveways and common areas when not in use and stored out of public view. No grills, gym or other equipment may be placed or stored on front porches, except at condominium units.

### **2.2.9 Planters/Plant Containers, Garden Decorations and Outdoor Furniture.**

1. Prior approval of the Association is required for all lawn ornaments, exterior sculpture, fountains and other similar items.
2. To maintain the aesthetics of the community, the Association has elected to approve only the following decorative items for the front yards of homes: Up to two (2) ceramic or decorative pots no greater than 24 inches high and wide which are aesthetically compatible with the home, which contain live plants only, and which are placed on the owner's property and not in any common area.
3. Other garden decorations, such as statues, fountains, gazing balls, gnomes, mobiles, sun catchers, birdbaths, sundials, wind chimes, lights and plants hanging from trees, must be limited to rear yards and courtyards so as not to be visible from the street. This rule does not apply to holiday decorations that are placed in the front yard within the permitted holiday timeframe.
4. Planters, containers and garden decorations may not be placed in exterior areas that impede access to driveways, walkways, or garages, or interfere with the maintenance of the landscaping. Decorative items as well as outdoor furniture placed within sodded areas or landscape beds interfere with the normal maintenance of the landscape. Neither the Association nor its landscape contractor will be liable for damage to any items placed within sodded areas or landscape beds.
5. Patio furniture is permitted on the patio only and not on sodded areas or landscaping. ARC in its sole discretion may establish standards regarding the appearance of front porches.

### **2.2.10 Trash and Recycling.**

Trash and recycling containers shall be kept from view except on pick-up day. At all other times, trash and recycling containers must be stored within the Unit. All garbage must be placed within a metal or plastic trash container. Plastic bags are permitted only if placed inside an approved trash container. Trash containers should not be placed by the streets earlier than dusk on the evening preceding the day when garbage and refuse are customarily collected. The garbage cans and trash containers must be placed at the edge of the road and not be placed where they may interfere with mail delivery. All trash and recycling containers must be removed from the driveway/edge of the road and stored appropriately on the same day that the collection is made.

### **2.2.11 Signs.**

No signs, including political signs, banners, flyers, brochures, advertisements, or notices of any kind may be displayed within Evergrene, except for signs installed by the Association, real estate signs specifically permitted by these rules, signs required by law, and yard security signs. A yard security sign must be placed within 10 feet of the home's foundation and located in a planting bed. No sign may be displayed in any window of a home, or on or within a vehicle parked anywhere within the community. The Association has the right to erect reasonable and appropriate signs on any portion of the common areas and within easement areas.

### **2.2.12 Real Estate Signs.**

One "For Sale" and/or "For Rent" sign is permitted per property, so long as the sign meets the Association's standard requirements for size, shape and color, and the sign must be placed within 10 feet of the home's foundation. Signs should be placed in planting beds and not in sodded areas. One "Open House" sign may be displayed per property and only during the actual hours that an open house is taking place. Open House hours are restricted to 12 pm to 3 pm on Saturday or Sunday only. No temporary signs of any type may be placed at any community entrance or on any portion of the common areas.

### **2.2.13 Holiday Decorations and Lighting.**

Home decorations and holiday lights may be put up two weeks before a holiday and must be dismantled and removed within one week after the passing of the holiday. An exception is made for decorations and lighting for the Holiday Season, and they may be installed no earlier than Nov. 15 and must be removed by Jan. 10 of the new year. Neither the Association nor its landscape contractor will be liable for damage to any items placed within sodded areas or landscape beds.

### **2.2.14 Hurricane Shutters.**

1. Hurricane shutters pre-approved by the Association are the galvanized metal panels that were included with the home at the time of the original purchase. All other shutters may not be installed without the prior written approval of the Association. Hurricane shutters must be designed to fit the décor and design theme of the home. Approval will rest with the Architectural Review Committee. Owners are required to keep their shutters in a clean and well-maintained condition that is pleasing to the eye at all times. All proposals for shutters will be reviewed carefully to ensure the best possible appearance on the home.

2. Within Evergrene, the use or closure of hurricane shutters, of any type whatsoever, to cover doors and window openings is strictly prohibited year-round except in compliance with the following exception in the City of Palm Beach Gardens ordinance on hurricane shutters: In the event that any portion of Palm Beach County falls within the National Hurricane Center's five-day cone of probability for a named tropical storm event, hurricane shutters may be used to protect building/structure openings up to five days prior to storm landfall and may remain in place for no more than five days following storm passage.

3. Seasonal homeowners must make arrangements in advance to comply with the hurricane shutter rules.

4. The Association shall have no obligation to install or remove hurricane shutters from any home. The Association shall have all rights and remedies that are contained in the Association governing documents against a homeowner who fails to comply with the terms set forth in this section, including but not limited to imposing a fine against a homeowner.

### **2.2.15 Easements on Private Lots.**

#### **(a) Utility Easements.**

1. Homeowners may not install fences, shrubs or trees, or any other structures or landscaping in any utility easement areas on their Lots without the approval of the Association and the written consents and approvals from the applicable easement holder or holders, which may include Florida Power & Light, Seacoast Utility Authority, AT&T, Comcast Cable and TECO Peoples Gas.

In addition to the standard submittal requirements of the Architectural Review Committee, homeowners requesting to install a structure or landscaping within a utility easement must include with the application the required consent and waiver form for each easement holder specific to the proposed improvement (executed City of Pam Beach Gardens form, Utilities Easement Agreement.)

The utility will not be held responsible in any way for repairs or replacement of the installed improvements, and any removal or replacement of the

improvements necessary to allow use of the easement will be done solely at the homeowner's expense.

**(b) Drainage Easements.**

1. There are easements throughout the community for drainage and for the installation and maintenance of drainage facilities, as shown on the recorded plats for the property or as may otherwise be established from time to time. No structure, planting or material other than sod may be placed in the drainage easements which may interfere with the operation or maintenance of the drainage facilities or may obstruct or retard the flow of water through drainage channels, unless approved by the Association.

2. If any owner elects to place landscaping, pavers, fences, or any other structures or materials in a drainage easement area, even if approved by the Association, the Association shall have no liability to the owner if the improvements must be removed in order to repair or maintain the drainage facilities. Owners are solely responsible for any damage to the drainage facilities caused by improvements placed within a drainage easement, and owners are solely responsible for restoring any materials or structures that must be removed to perform repairs or improvements to drainage facilities within a drainage easement. A drainage easement agreement as well as drainage statement by a licensed professional will be required by the Association for approval on requests that affect these areas.

3. Drainage pipes are not permitted to be above ground. Drainage pipes are not allowed to be run underground from any private property and discharge onto lake banks or into the lakes or ponds or into any of the upland or wetland preserves.

4. A homeowner may not elevate any yard area that affects drainage or that places any earth or hard surface at or above the slab elevation of a neighbor's wall. Before installing additional hardscaping to a yard, consideration must be given to existing pervious areas of a property so that the proposed added impervious area does not create a drainage problem. Grades and elevations of a property must not force runoff onto a neighbor's property.

**2.2.16 Exterior Painting.**

1. Any painting or repainting of the exterior of a home must have the prior approval by the Architectural Review Committee. A homeowner must select one of the approved color schemes from the Evergrene Paint Book unless repainting as specified in (5) below and must follow and submit to the Architectural Review Committee all provisions of the Application for Painting.

2. A binder containing the approved paint schemes for exteriors (The Paint Book) is available at the Clubhouse and will be made available to any homeowner upon request.

3. Each color scheme in The Paint Book contains at least three different colors, and each scheme specifies the colors to be used in that scheme for the main walls; the trim, including the fascia and gutters; and the doors - garage doors - and exterior doors and shutters. The home may not be painted in the same scheme as an adjacent home.

4. In choosing a paint scheme, no substitutions of any colors from another Paint Book scheme is permitted, except for front doors and shutters, which may be painted any approved color for doors and shutters.

5. A homeowner may re-paint the home in the same colors providing that the colors are the Evergrene developer's original paint colors or colors that were on the home prior to the effective date of these Rules and had been previously approved for that home. Application must still be made and approval will rest with the Architectural Review Committee.

6. A homeowner, upon approval, may paint the garage door a faux wood design or a solid brown color, or any other color approved for garage doors. Black garage doors are not permitted. Shutters may not be permanently removed from the front of homes. Shutters must be replaced after painting. Any change in shutters must have approval.

### **2.2.17 Windows, Impact Glass, Awnings and Roofs.**

1. The windows of homes, front, side or back, that can be seen from the right of way must have white mullions that create a grid effect.

2. Impact glass windows and doors must have Association approval prior to installation. Low-E impact glass must have either a gray tint or be clear.

3. Awnings, fixed or retractable, are permitted with Association approval and permit approval from the City of Palm Beach Gardens to meet hurricane code requirements. The material, fabric, trim, apron and valance must be of a solid color that closely matches the house walls or trim color.

4. The replacement of roof tiles requires approval, and must be a single color and of same material as the remaining tiles.

### **2.3 Landscaping Modifications.**

**2.3.1 When No Prior Approval Is Required.** No prior approval of the Association is required to replace a dead or struggling plant with a plant of substantially the same type and size. No prior approval of the Association is required for plants within a fully enclosed screened area. No prior approval of the Association is required for the

species of plants placed in containers, provided the plants are not fruit trees or identified as prohibited species in The Evergrene Plant Palette, available at the Clubhouse or on the Evergrene website.

**2.3.2 When Prior Approval Is Required.** Prior approval of the Association is required to (a) remove any landscaping that will not be replaced promptly or (b) install new landscaping that is not substantially similar to pre-existing landscaping. Owners seeking approval must submit a completed application to the Architectural Review Committee detailing the proposed landscaping changes.

**2.3.3 Standards.** In approving any application for the installation of new landscaping, the Association will consider the following criteria:

1. Substantially all of the plants to be used in the new landscaping must appear in the Evergrene Plant Palette publication or otherwise be specifically approved by the Association. If plants to be installed do not appear on the Plant Palette, then the homeowner must check on their appropriateness with the Association.
2. Plants that are identified as “invasive exotics” by the Florida Exotic Pest Plant Council or on the list maintained by the South Florida Water Management District, or which are plants prohibited by the City of Palm Beach Gardens, may not be installed or maintained on any residential lots, and must be removed upon notice from the Association.
3. The landscaping plan should not materially decrease the amount of landscaping located on the residential lot.
4. Unless the utility holder approves of the installation and receives an appropriate hold-harmless agreement, no vegetation other than sod may be installed in any utility easement, lake maintenance easement or drainage easement area. Trees planted within 15 feet of any road right of way, sidewalk or utility easement must have root barriers.

**2.3.4 New Landscape Installation.** Any landscape material that is permitted to be installed on a residential lot shall be installed by the homeowner or by a contractor who is not prohibited from working in Evergrene. New landscape plants must be planted in the ground promptly after purchase. Residents are not permitted to keep landscape plants in nursery pots or trays, but some planters are permitted. After approval for new landscaping, a homeowner must complete the project within 60 days; 30 days for fences and screen enclosures.

## **2.4 Architectural Modifications.**

**2.4.1 When No Prior Approval Is Required.** No prior approval of the Association is required to perform repairs which restore damaged or deteriorated architectural elements (including without limitation exterior walls and windows, roofs, pavers and fences) to their original condition.

**2.4.2 When Prior Approval Is Required.** Approval of the Association is required for any modifications to homes, including but not limited to, repainting, windows, doors, and garage door replacement. All proposed hardscape, including without limitation pools, fences, screen enclosures, generators, shutters, benches, pavers, roof tiles, pergolas, arbors, fountains and carriage lights, to be installed on or at the exterior of any home must have the written approval of the Association prior to installation.

**2.4.3 Construction Hours.** Construction, yard maintenance and other similar work performed by contractors shall be permitted only between the hours of 8 am to 6 pm Mondays through Fridays. Saturday work by a contractor hired by a homeowner may commence no earlier than 8 am and must end by 5 pm. It shall be the responsibility of the owners to ensure that their contractors comply with this rule. Except in cases of emergency repairs, no construction, yard maintenance, or other similar work shall be performed on a lot by a contractor on Sundays. Residents may personally perform minor construction, yard maintenance or other similar work on their lots on Sundays that does not create excessive noise or nuisance.

## **2.5 Enforcement.**

If any homeowner is in violation of these Rules, the Association, acting through its Board of Directors, has all rights granted by the Association's governing documents and By-laws to enforce the Rules. Among other things, the Association may send a notice of non-compliance to a homeowner and, if the matter identified in the notice is not corrected within the time period established by the Board, the Association may enter the homeowner's property and perform the necessary work at the owner's expense. All costs incurred by the Association in performing work that is the responsibility of the owner shall be assessed to the owner and owner's property. The Association may also elect to impose fines on non-complying owners as permitted by the Association's governing documents and By-laws.

## **3. PRESERVE AREAS.**

The preserve areas of Evergrene include the preserve area described on the approved Master Development Plan for Evergrene and as set forth under Palm Beach Gardens City Ordinance 43, 2001, as well as all native upland and wetland vegetation within conservation areas, littoral areas and wetlands delineated by South Florida Water Management District within and adjacent to the Evergrene Planned Community Development.

### **3.1 Maintenance.**

**3.1.1** Maintenance of the preserve areas shall be provided by a professional environmental consultant hired by the Association that is specifically licensed, bonded and permitted to maintain and perform the services for the preserve area as set forth in the preserve area management plan approved by the City of Palm Beach Gardens.

**3.1.2** The residents of Evergrene individually shall not maintain any of the preserve areas unless approved by the City of Palm Beach Gardens and the Association.

**3.1.3** No owner or resident shall remove or replace any landscape material or vegetation within or adjacent to the preserve areas without prior written permission of the Association. The Association may from time to time, upon request by an owner, approve the selective trimming or pruning of species along the perimeter of a preserve area if a tree branch or palm frond is overhanging or located within five (5) feet from a house or structure. The pruning will be performed by an arborist hired by the Association at the sole expense of the requesting homeowner.

**3.1.4** No owner or resident shall “dump” any material in the preserve areas or anywhere else in Evergrene..

**3.1.5 Access.** Residents 18 years or older are permitted to walk on walking trails located within the upland preservation areas between dawn and dusk as long as they remain on the trail. Children 17 years or younger must be accompanied by an adult. The Association may impose fines on the parents of any children found within the preserve areas not accompanied by an adult.

#### **4. COMMON AREAS.**

Common areas include any area within Evergrene not located within an individual, private platted residential lot, which includes any common areas identified in the approved Master Development Plan and recorded plats of Evergrene.

**4.1** Under no circumstances shall residents plant or remove any landscape material (including without limitation shrubs, ground cover, trees and palms) in common areas, preserve areas, wetlands, or water bodies without obtaining prior written approval from the Association.

**4.2** Any revision or modification to any common areas within or adjacent to the Evergrene property will result in strict penalties and/or fines.

**4.3** Concrete barriers or bollards (e.g., traffic prohibiters, concrete triangles or half spheres, small fences, bollards, etc.) shall not be placed in common areas without the prior written consent of the Association.

**4.4** Residents are required to clean up after their pets when walking the animals in the community.



## Schedule 1 to Evergrene Landscaping Rules - Minimum Standards

### A. Trees

1. Minimum Number: Residential lots must have a minimum of one tree or two palms per 1,000 square feet of open space or fraction thereof.<sup>1</sup> For a typical Evergrene lot, this tree requirement translates to:

For 65-foot lots, five (5) canopy trees, except that two (2) palms may be substituted for a canopy tree. For 50-foot lots, three (3) canopy trees, except that two (2) palms may be substituted for a canopy tree. For 40-foot lots, two (2) canopy trees, except that two (2) palms may be substituted for a canopy tree.

Lots with atypical sizes and shapes, such as corner lots or lots on cul-de-sacs, may have more or less open space and therefore may have higher or lower tree requirements.

2. Minimum Size: Canopy trees must be a minimum of twelve (12) feet in height overall with a crown at least five (5) feet in diameter. Palms must have a minimum of twelve (12) feet of clear trunk.<sup>2</sup>

3. Minimum Quality: Plant quality for all required landscaping shall be Florida No. 1 or better, as provided in Grades and Standards for Nursery Plants, Part I and Part II, as amended, as published by the Florida Department of Agriculture and Consumer Services.<sup>3</sup>

4. Permitted Canopy Trees:<sup>4</sup>

Live Oak (*Quercus virginiana*)  
Laurel Oak (*Quercus laurifolia*)  
Southern Magnolia (*Magnolia grandiflora*)  
South Florida Slash Pine (*Pinus elliottii* var. 'densa')  
Southern Red Cedar (*Juniperus virginiana* var. *silicicola*)  
Gumbo Limbo (*Bursera simaruba*)  
Mahogany (*Swietenia mahagoni*)  
Pigeon Plum (*Coccoloba diversifolia*)  
Tabebuia (*Tabebuia* various species)

**B. Shrubs.** Homes must have six (6) shrubs per 1,000 square feet of open space. Shrubs must be a minimum of 24" in height at installation. Hedge shrubs must be planted 24" on

center or closer.<sup>5</sup> Shrubs massed in beds may be planted between 24” on center and 36” on center.<sup>6</sup>

**C. Groundcovers.** Groundcovers may be between 12” and 30” in height at installation, depending on the species, and should be planted from 12” on center to 36” on center depending on the species.<sup>7</sup>

<sup>1</sup> Palm Beach Gardens, Fl., Mun. Code § 78-314(d) (2011) requires one canopy tree and six shrubs per 1,000 square feet of open space on each lot (i.e., all property not occupied by the footprint of the home).

<sup>2</sup> Palm Beach Gardens, Fl., Mun. Code § 78-321, Table 31 (2011).

<sup>3</sup> Palm Beach Gardens, Fl., Mun. Code § 78-327(a) (2011).

<sup>4</sup> Evergrene PCD plans approved by the City of Palm Beach Gardens as Ordinance 43, 2001 and subsequent ordinances.

<sup>5</sup> Palm Beach Gardens, Fl., Mun. Code § 78-321, Table 31 (2011).

<sup>6</sup> Evergrene PCD plans approved by the City of Palm Beach Gardens as Ordinance 43, 2001 and subsequent ordinances.

<sup>7</sup> Evergrene PCD plans approved by the City of Palm Beach Gardens as Ordinance 43, 2001 and subsequent ordinances.