

# **EASTLAKES PROPERTY OWNERS' ASSOCIATION, INC.**

## **RULES AND REGULATIONS**

*Updated August 2022*

### **GOVERNING DOCUMENTS:**

The legal documents which control all of the properties in the Eastpointe Community, including the condominiums, are the Declaration of Restrictive Covenants, the Articles of Incorporation, and the By-laws, all of which were amended and restated in 2002, adopted by a majority vote of the residents at the Annual Meeting of the Eastpointe Home Owners' Association (HOA) on December 9, 2002, and duly recorded in the Public Records of Palm Beach County. The HOA is responsible for all matters which affect the entire community, including security, cable contract, road maintenance, and landscape maintenance of the entrances and various common areas which were not deeded to the Eastpointe Property Owners' Association (EPOA) and the Eastlakes Property Owners' Association (ELPOA and Association). Responsibility for all other matters, including architectural control, was assigned to the two property Associations. These Rules and Regulations are intended to summarize the principal issues spelled out in the formal documents which affect the Ownership of property within our community.

**POLICIES AND PROCEDURES OF THE ARCHITECTURAL CONTROL COMMITTEE (hereinafter "ACC"):** Any modifications to the exterior of your home (painting, roof repair/replacement, planting, fences, etc.) must be approved by the ACC **before** you begin your project. The committee meets once a month, so it may take up to 30 days to process your request for approval.

### **APPROVAL FOR CHANGES TO HOME EXTERIORS:**

All changes to the exterior of homes require approval by the ACC of the Eastlakes Property Owners' Association (ELPOA). This includes, but is not limited to:

- Painting (including the same color)
- Roof replacement
- Patio upgrades or additions
- Screen enclosures
- Landscaping changes
- Mailboxes
- Privacy walls
- Driveway painting/restorations
- Window replacements
- Any other exterior modification

### **PRE-APPROVAL PROCEDURE:**

Homeowner applicants desiring a change to their home's exterior shall:

1. Obtain a change request form from the ELPOA office manager or website.
2. Follow the form instructions and provide the requested information.
3. Submit the form and any follow-up questions to the ELPOA office manager.

The ELPOA manager, in consultation with the ACC Chairperson shall:

1. Schedule a meeting of the ACC to review all outstanding requests.
2. The ACC will solicit comments from neighbors for any changes that may impact them from their vantage point. Although neighbors do not have veto power over a project, the ACC will seriously consider their input in order to determine the best option(s) for the community.

**EXPRESS APPROVALS:**

The following changes are eligible for “express approval” which may be given by the Property Manager without the necessity of waiting for the next ACC meeting. Completion of an ACC form and other required documents is still needed:

- Repaint house or trim the same or approved color
- Hurricane shutters
- Driveway painting same color
- Window replacements
- Removal of dead tree, no replacement needed

**POST-APPROVAL PROCEDURE:**

1. If approved, written notification will be given to the Owner.

**APPEALS:**

1. Appeals or grievances shall be submitted to the ACC within ten (10) days of notification of the disapproval.
2. Such appeals will be referred to the ELPOA Appeals Committee.

**I. RESIDENTIAL UNITS:**

**a. MAINTENANCE:**

Owners are responsible for the maintenance of their property and repair of deficiencies which affect proper external appearance. This includes the house exterior, roofs, driveways, divider/privacy walls on one’s property; fences, gutters and mailboxes. Owners are required to maintain the curb appeal of their residence so that discoloration, rust, mold and deterioration are not visible.

**b. PRIVACY WALLS/DIVIDERS/FENCES:**

In most cases, a privacy wall/divider/fence is exclusively on an Owner’s property and it is then exclusively that Owner’s responsibility. In other situations, privacy walls/dividers/fences on the property line shall be the joint responsibility of the affected neighbors. The final decision involving a privacy wall/divider/fence replacement is subject to approval by the ACC.

In cases where a privacy wall/divider/fence is on a property line in accordance with a legal survey/plot plan it needs to be replaced with PVC plastic fences, factory painted metal fences or, hedge material five feet (5’) high to provide privacy the Owner(s) shall be responsible for obtaining County Zoning/Building Department approval as well as ACC approval. In lieu of a privacy wall/divider/fence that is not on a property line, a proper and approved shrub line equivalent in height, a minimum of the five foot (5’) original divider MAY in certain instances be planted, so at maturity it restores adequate privacy to an abutting neighbor. An application for the selection of shrubs must be submitted to the ACC.

When it is not clear on which property the privacy wall/divider/fence lies the inquiring Owner is responsible for having a survey performed to determine the location of a property line.

All fences or property borders are subject to approval by the ACC. Materials generally considered appropriate are: PVC plastic fences, factory painted open metal fences, and hedge material at a minimum of five feet (5') but not to be higher than six (6') high to provide privacy. Chain link fences are not permitted and pointed tops are not allowed.

Fences are not permitted in the back yard unless there is a pool or hot tub/spas and must be a permanent structure for which a permit is required.

**c. COMMON ELEMENTS:**

In certain cases, some Owners have common elements, such as a common driveway, turnaround area or parking area with a single driveway entrance from the roadway which are designated for the exclusive use by a limited number of Owners, their guests, service personnel and invitees. The Owners which are served by those common areas are jointly responsible for the maintenance of the paved areas of those elements. Said maintenance includes cleaning, painting and any other maintenance and improvements, but does not include maintenance or replacement of sodded or landscaped areas contained within the paved areas. If the Owners responsible fail to maintain the paved areas of those elements, then after thirty (30) days written notice to the Owners, the Property Association, if desired, may perform such maintenance and bill the costs thereof to the Owners.

**II. IRRIGATION/LANDSCAPING:**

- a. IRRIGATION:** The irrigation for the majority of the homes is drawn from the lakes, runs in zones and is shared. Modifications to the irrigation can greatly affect the proper watering of other properties. Any modification to the irrigation must be approved by the ACC prior to making the modification.

When drought conditions prevail, the Association is not responsible for any sod, plants or trees on private property.

Occasionally there are main irrigation water lines that break and need repair. Plants and trees sometimes are directly over or near the water line break and have to be cut back or removed to make the repair. The Association and/or the Irrigation repair contractor will not be responsible for the replacement of any plants or trees that need to be cut back or removed to make the repair. Sod replacement from any irrigation repairs is also the responsibility of the owner.

Residents on *Palm Grove Place and Palm Grove Court* draw the irrigation from a well which can leave a rusty/iron color on the property. The Association is not responsible for the removal of the rust/iron stains.

- b. LANDSCAPING:** Any modification or additional landscaping on a property requires prior approval from the ACC. The Association and/or Landscape contractor will not be responsible for any unapproved landscaping or plantings. Owner will be responsible for any damage to the irrigation lines or parts.

Owners are responsible for the removal of all trees on private property, even when uprooted or damaged by winds or flooding and the removal of debris from storms. The Association may arrange for this work to be done by a contractor, especially if the Owner is away and the Owner will be billed for the cost of this service.

No live tree on an individual's property or on common ground may be removed without the approval of the ACC, and under certain conditions, the approval of the County may be required. A replacement tree(s) will be required, if deemed necessary.

Owners are responsible for the maintenance and optimal appearance of their property so that unsightly areas, dead plantings and sod are removed and landscaping is restored to the original appearance.

Owners who install additional plants/exotics which require added watering will need to hand water or use a soaker hose between regular irrigation schedules. In these cases it is recommended that the Owners install their own watering system. The Association and/or Landscape contractor are not responsible for the loss of plants/exotics due to lack of watering.

Owners who contract their own landscape company for trimming must contact the office to put in a “do not trim” order. The Association landscape contractor will not trim ANY bushes/plants on the property. No exceptions. If additional trimming is needed to bring the bushes/plants back to a manageable level the Owner will be billed for this service.

Tree Trimming – Owners are responsible for trimming hardwood trees/palms/hedges, etc. over 8’ tall. The Association trims the \*palm trees one time per year in the spring or early summer.

\*(Coconut Palms, Washingtonian Palms, Queen Palms, Sable Palms and all tall Chinese Fan Palms).

Fruit Trees – are not allowed to be planted. Existing trees are the maintenance and responsibility of the Owner.

### **III. HURRICANE PANELS/SHUTTERS:**

Approved hurricane protection for homes can include accordion metal or vinyl shutters, metal panels painted to coordinate with a home's exterior color, clear Lexan panels, and fabric/material shutters and must be approved by the ACC before installation.

During the official hurricane season from June 1st to November 30th seasonal Owners may put up approved hurricane protection for the duration of their absence, but not before June 1st nor after November 30th.

When there is a hurricane forecast or warning issued by the National Hurricane Service, Owners may put up hurricane protection. Such protection must be removed within seven days after the hurricane passes.

It is the responsibility of the Owner to make all arrangements for the installation and removal of hurricane protection.

### **IV. PAINTING:**

**HOUSE EXTERIORS:** Houses adjacent to one another shall not be painted in the same color. The intent is to promulgate variety (within the framework of the approved color schemes), with the following exceptions:

- Houses from 13114 through 13222 Touchstone Place, which shall have roof replacement and repainting to match the existing colors (white walls, red terra cotta tile roofs).
- Houses along Palm Grove Court shall be uniform in color and shall maintain the current color.
- Attached homes (“courtyard” or “patio” houses) - If one house is painted an effort shall be made to have the other adjoining house, garage and trim painted at the same time, in the same approved color with the same detailing.

Approved exterior paint colors for houses are available at the Eastlakes POA office or on the Association website: [Eastlakespoa.com](http://Eastlakespoa.com).

Other colors *may* be allowed if similar to the approved paint colors and submitted to the office and approved by the ACC.

The ACC's policy is to avoid dark colors for the body of houses.

**GARAGE DOORS:** Approved colors for garage doors and trim around door openings: Generally, body color so that door blends into the overall house color or trim color if white or light color.

**DRIVEWAYS:** Driveways can be sandblasted, left natural and/or coated with a clear sealer or painted as approved by the ACC. Paver driveways are also permitted with the prior approval of the ACC.

**V. ROOFS:** The following roofing materials are allowed: Factory painted precast concrete tiles, factory coated metal roof tiles in barrel vaulted or shingle configurations, terra cotta tiles of adequate strength (in barrel vaulted shapes) and ceramic coated roof tiles in barrel vaulted or shingle shapes. Asphalt shingles may be used where the existing roof consists of asphalt shingles (generally the "courtyard" or "patio" homes along Touchstone Place and Crosspointe Drive, homes on Touchstone Court and Touchstone Circle and homes along Palm Grove and South Pine Courts.)

Owners with concrete tile roofs will be allowed to paint them with prior approval of the ACC.

It is the intent of the ACC that roofs of adjacent houses can be different materials or shapes in different colors (with the exception of the houses with asphalt shingles, which shall harmonize with adjacent and/or attached houses such as the "patio" houses referenced above.)

Where two houses are attached to one another with a common party wall and common roof, which is unique to the "courtyard" or "patio" houses referenced above, where the roof of one house is in need of repair and needs to be replaced, the roofs of both houses shall be replaced with the same roofing material at the same time, and each Owner shall bear the cost of replacing his or her own roof. This is because the center section of roof on both houses is one contiguous roof and the roof on one house cannot be replaced without replacing the roof of the other and maintain guarantees against leakage of the roof of the house whose roof is not replaced.

The 75 homes to be built by Schickedanz Building Group will be permitted to have flat seam metal roofs.

**VI. TEMPORARY TARPAULINS:** (Tarps)

Where required as temporary roofs, temporary tarpaulins shall be removed in a timely manner so as not to become an "eyesore" to the community. The ACC shall determine what constitutes "timely".

**VII. MAILBOXES & POSTS:** All mailboxes and posts shall be maintained in good condition by the Owner. Approval from ACC is required before replacement mailbox and/or post installation.

The standards set by the ACC are as follows:

- Mailboxes shall be plain black metal. Plastic and all-in-one type mailboxes are prohibited.
- Installations shall comply with USPS regulations.
- Mailboxes shall not be obstructed in any way, including plantings.
- Posts shall be white wood or white metal. Plastic posts and post covers are prohibited.
- When boxes are in a group of more than one, they shall match the existing adjacent boxes.

**VIII. EXTERNAL INSTALLATIONS/EQUIPMENT:** Antennas external to a house are prohibited, except for any antenna or satellite dish stated to be allowable by federal, state or local law. In those cases, it is expected that the Owner will cooperate with the ACC to choose an installation and landscaping which minimizes its being an eyesore to the community.

Water conditioners, emergency generators, air conditioning units (individual through the wall room air conditioner and/or condenser/compressors) and other equipment placed on the exterior of a home must be approved by the ACC and may be subject to County approval and must be properly screened so not in view of the street or the neighbor's view. Permits, where required, shall be obtained. Landscaping required to conceal the external installations must also be approved by the ACC.

**IX. MISCELLANEOUS:**

**COMMERCIAL WORK:** Workers will be allowed on property at 7:30 AM, but may not begin outside work until 7:45 AM. Workers must be off property by 6:00 PM. No commercial work may be performed on Sundays unless specific approval has been given in advance by the property manager. Emergency repairs by an accredited/licensed contractor may be performed on Sundays without prior permission. The Owner shall be responsible for notifying security of the name and approximate time of arrival of the contractor.

**COMMUNITY WEBSITE:** Please visit the Eastlakes website at [www.eastlakespoa.com](http://www.eastlakespoa.com) for meeting dates and times, Board meeting minutes and other community information.

**DUMPSTERS, PODS, PORTABLE TOILETS FOR CONSTRUCTION PURPOSES:** Notification to the office is required with date to be delivered.

**GARAGE SALES** are not permitted.

**GARBAGE, TRASH, AND RECYCLABLE MATERIAL AND RECEPTACLES** shall be kept within the residential unit garage or carport, except for the day of collection. All receptacles must be taken back in on the day of collection before 10:00 PM. If the Owner has a physical limitation which require Assistance to put out the receptacle the day before, the Owner must apply for approval to the Board.

**HOLIDAY LIGHTING/DISPLAYS** Must be removed two weeks after the holiday ends. Owners may not leave unmonitored holiday lights or displays unattended or on a timer if they are not in residence for an extended period of one week or more.

**HOUSE NUMBERS/PLAQUES:** Every residence shall have a house number at least four inches high displayed above the garage door or on the house in conformity with the fire regulations. A plaque, not exceeding one (1) square foot in area indicating the name of the occupant is permitted.

**MOTOR VEHICLES:** A vehicle's designation as stated on the State issued registration shall determine whether it is an authorized or restricted vehicle.

1. a. All vehicles parked on any lot, driveway, or Association common areas shall be operable, in good repair, and have a valid Florida Registration Sticker and Florida Tag (if a Florida resident) or valid Registration Sticker from the owner's state/country of residency.
- b. Due to the limited parking available within the Association, an Owner may not have more than one (1) vehicle parked on the Association's common areas at a time regardless of whether the vehicle belongs to the owner, or the owner's guest, invitee, or licensee.

2. No maintenance or repair shall be performed on any motor vehicles, boat, or trailer of any kind unless such placement, parking, storage or maintenance is within a garage so that the same is totally removed from public view.
3. Only passenger vehicles used for non-commercial passenger use are allowed. Passenger pickup trucks are permitted providing there is no property in the open bed.
4. Commercial pick-up trucks of any size, panel vans, trailers, semi-trucks, buses, stretch limousines or vehicles with commercial license plates or signs must be off property by 6:00 PM.
5. Boats and trailers, recreational vehicles (RV), mobile homes, truck mounted campers, camper trailers, travel trailers are not permitted.
6. Additional prohibited vehicles include: all-terrain vehicles, off road vehicles, dune or swamp buggies.
7. No vehicle of any kind shall be parked on the grass.
8. The number of cars parked in a driveway cannot exceed the space of the driveway.
9. Golf carts are to be garaged at day's end.
10. Motorcycles, motorized scooters, mopeds, or other two or three-wheeled vehicles must be garaged and only be driven on community roads to access the residence from or leave the residence to the closest gate between 7:00 am and 10:00 p.m..
11. Car covers must be kept in good condition and well secured to the vehicle.
12. Parking on the street overnight is not permitted.
13. Enforcement Procedures
  - a. All vehicles parked within the Association contrary to the provisions contained herein shall be subject to being towed in accordance with Section 715.07, Florida Statutes, as amended from time to time, at the expense of the owner of the vehicle. Towing shall not be the exclusive remedy of the Association.
  - b. The Association's appointed parking enforcement agent shall provide the following written notices of the parking violation to the owner of the vehicle: an "Initial Warning Notice", and if necessary, a "Final Warning Notice".
  - c. A copy of the Initial Warning Notice and Final Warning Notice shall be firmly attached to the windshield of the offending vehicle the same day the violation occurs noting the date and time of the violation. The "Initial Warning Notice" will allow Forty-Eight (48) hours from the noted date and time of the violation to cure the violation.
  - d. If the violation is not cured within Forty-Eight (48) hours, the Association's appointed parking enforcement agent will issue the "Final Warning Notice" which will allow an additional Forty-Eight (48) hours with the deadline date and time for curing the violation.
  - e. If the offending vehicle remains after the deadline date and time indicated in the "Final Warning Notice", the vehicle is subject to tow without further notice at the expense of the vehicle owner. Towing charges shall not be considered a fine.  
If the Owner repeats the parking violation within twelve (12) months following the issuance of a Final Warning Notice, the vehicle is subject to being towed without any further notice or warning.
14. Fines: The Board of Directors shall levy a fine of \$100.00 per day, up to a maximum fine of up to \$1,000.00 for a continuing violation, which will accrue against any property owner, or the owner's guest, invitee, or licensee who violates the Governing Documents of the Association and the Rules and Regulations.

**NUISANCES:** Nothing may be done or retained on property which can become a nuisance to neighbors.

**PETS/ANIMALS:**

1. No animals, birds or other creatures shall be maintained on any portion of the residential property for any commercial use or purpose.
2. The number of allowable pets shall not exceed (2) two.
3. All pets are required to be on a leash when outside of the Owner's premises.
4. Pet excrement must be removed immediately by the Owner.
5. Pets must be walked on Owner's or common property, not golf course or neighbor's property.
6. Pets must not become a nuisance to other residents, such as a dog that barks excessively.
7. Wildlife is not to be fed, harassed, injured or killed.
8. An owner cannot tie, chain, rope or confine by electronic radio device a dog on the owner's property within five feet of public property, public access, easements, common grounds or the property of another.
9. Owners, occupants and guests, invitees or tenants shall assume full responsibility for personal injury or property damage caused by any pet, and shall indemnify and hold harmless the EL POA, its officers, employees, authorized representatives, agents ab dither owners and occupants, against any loss, claims or liability damages of any kind, costs and expenses including attorney's fees arising out of any such act of such pet.

**LEASES:**

A. No lease will be approved unless and until all financial obligations to the Association are brought current or are satisfied. No unit may be leased more than 1 (one) time in any 12 consecutive month period and the minimum lease term shall be 3 months. All lease renewals will be required to undergo a background check and can only be for one annual period.

**PINEWOOD RECREATION CENTER**

Pool and spa hours and from Dawn to Dusk.

No animals permitted.

No glass allowed

All incontinent swimmers must wear a swim diaper.

Only Pinewood Recreation members and accompanied guests are allowed.

**RECREATIONAL EQUIPMENT: PLAYHOUSES, SWINGS, GYMS, SANDBOXES, BASKETBALL HOOPS AND DOGHOUSES**, must not be visible from the street and require prior approval from the ACC. All basketball hoops and children's toys must be housed or garaged at the end of the day.

**SCULPTURES, BIRDBATHS, FOUNTAINS, AND DECORATIVE OBJECTS** shall not be placed on the property without the approval of the ACC. The Association and/or landscape contractor will not be responsible for replacement of any items damaged or missing if prior approval has not been granted.

There is a limit to no more than (4) four potted plants in the front or side yards.

Decorative objects on the house that are visible from the street are limited to (1) one item and no larger than 24"x 36". Murals, pictures and paintings, are not permitted. Yard objects are limited to (2) items and not to exceed (three) 3' in height.

**FLAGS:** Owners shall only be allowed to display flags that are protected under Florida Statute 720.304(2), as amended from time to time. Maximum of two flags. (Please observe proper flag etiquette)

One of the following banners may be displayed in **garden beds only**: Welcome banner, Seasonal Garden Banner, Holiday Banner, or Sports Banner. Garden banner may be no larger than 12” x 18” and no higher than 36”. Banner must be maintained in good condition.

Temporary Celebratory Signs - (“Happy Birthday,” “Congratulations,” “School Graduation,”) Maximum duration on the lot – 7 days.

**SIGNS:** Except for signs which the Association is required to post, install, or monitor by law, or otherwise deems necessary to promote the health, safety and welfare of its members, all other signs are specifically prohibited. Security alarm monitoring signs no larger than 2 feet from the ground are permitted.

**TOOL SHEDS, TENTS, SHACKS, TRAILERS, AND GREEN HOUSES:** No structure shall be erected, placed or permitted to remain on any lot.

*Please note: The Eastpointe Homeowners’ Association also has rules and regulations which contain additional information for all home owners.*

**ENFORCEMENT:**

Non-Approval/Deficiency(s)

It is expected that all Owners will maintain their property according to the ACC standards, even when they are not in residence. Failure to comply with these standards shall subject the Owner to established enforcement procedures.

When the ACC, or the Property Manager acting for the ACC, determines that an Owner has not complied with the Approval Procedure or that a property requires corrective action, a letter is sent giving the Owner thirty (30) days to correct the deficiency on the property. Consideration is given to any extenuating circumstances. If the Owner has not corrected the deficiency after this notice, a second notice is sent, giving the Owner fourteen (14) days to correct the deficiency.

**Violations:**

The Association is empowered to impose fines if an Owner does not correct a violation after the Final notice. Fines to the extent permitted by the applicable Statute may be imposed in such cases. Each and every violation shall be the responsibility of the Owner regardless of whether the offending party is the Owner or the Owner’s tenant, family members, agent, guest or invitee.

Violations that are subject to fine will be indicated on the Fine Hearing Notice. A fine of \$50 per day up to a maximum of \$1,000 may be imposed.

Any violation is subject to fine: The fine amount is at the discretion of the Board of Directors. The Fine committee hearing notice will provide the owner with a 14 day notice of the Fine Hearing date. The Fine Hearing Committee will meet with the owner and determine if the Board’s fine is approved or rejected.

- Courtesy Notice of violation    30 day written notice
- Second notice of violation       14 day written notice
- Final Notice of Violation        14 day written notice
- Fine Hearing                            14 day notice of Fine Hearing Date

**It must be emphasized that the Property Association may exercise its right to enter a property and clean, paint, remove unsightly items, and repair structural deficiencies which affect proper external appearance, when the Owner has neglected or refused to do so after being given due notice. The Owner shall pay the costs incurred by this action by the Association.**

(Coding: Words underlined are additions.)