

**BAY GARDENS HOMEOWNERS' ASSOCIATION, INC.**

**Architectural Review Committee (ARC) Guidelines,  
Community Rules and Restrictions**

**Table of Contents**

<u>DESCRIPTION</u>	<u>SECTION</u>	<u>DESCRIPTION</u>	<u>SECTION</u>
AIR CONDITIONERS	10	MAILBOXES	170
ANTENNAS (SATELLITE DISHES)	20	NUISANCES	180
AWNINGS	30	PARKING ON COMMON AREAS	190
BASKETBALL HOOPS	40	PATIOS & DECKS	200
BOATS	50	PETS	210
CLOTHES DRYING	60	SWING SETS AND PLAY EQUIPMENT	220
DRIVEWAYS/WALKWAYS	70	POOLS & POOL EQUIPMENT	230
EXTERIOR HOUSE LIGHT	80	SCREEN ENCLOSURES & SCREEN DOORS	240
FENCES	90	SEASONAL LIGHTS & HOLIDAY DECORATIONS	250
FLAG POLES & FLAGS	100	SIDEWALKS (PARALLEL TO STREETS)	260
GARAGE CONVERSIONS	110	SIGNS	270
GUTTERS/DOWN SPOUTS	120	STORAGE SHEDS	280
HOUSE COLORS	130	STORM SHUTTERS	290
HOUSE PAINT	140	TRASH CONTAINERS	300
INTENTIONALLY LEFT BLANK	150	VEHICLES	310
LANDSCAPING/PLANT MATERIALS	160	WINDOW FILMS	320

ARC APPLICATION FORM ATTACHED

---

**ALL PERSONS USING THIS MANUAL ARE ADVISED:**

1. This manual has been adopted for the purpose of establishing general guidelines for architectural approvals and every day rules for the community and does not supersede or replace the Association's governing documents or local, state or federal laws, codes, ordinances, rules or regulations.
2. This manual is subject to amendment from time to time. Also, because of changing circumstances and technologies, matters prohibited or approved in the past may not necessarily be prohibited or approved in the future.
3. While this manual is intended to establish consistency of appearance within the community, it should be remembered that because of factors such as location, neighborhood characteristics and proximity to common areas, waterbodies, roads and the like, various properties may be treated differently in order to reflect such factors.
4. As stated in the Association's governing documents, no approval hereunder shall constitute a warranty or approval as to, and neither the Association nor any member or representative thereof shall be liable for, the safety, soundness, workmanship, materials or usefulness for any purpose of any improvement or alteration nor as to its compliance with governmental or industry codes or standards.

November 2017

**Section  
10**

**Air Conditioners**

- A. Window A/C units are not permitted.

**Section  
20**

**Antennas and Satellite Dishes**

- A. Exterior antennas used for AM/FM radio, amateur (“Ham”) radio, CB radio, Digital Audio Radio Services (“DARS”), or antennas used as part of a hub to relay signals among multiple locations are not permitted.
- B. Satellite dishes with a diameter of 18 inches or less may be installed subject to the following:
  - 1. Dish must be installed at least 8 feet above the finished floor of the home.
  - 2. The preferred location for dishes is on the rear wall of the home or on a sidewall within 6 feet from the rear of the home.
  - 3. Cables required for installation, which are exposed on outside walls, must be painted to match the existing building color.
  - 4. Dishes may not be installed in common areas.
  - 5. Installation of more than one dish will be considered in the circumstance that a single dish is insufficient to provide an acceptable signal. In such situations, a letter from the satellite service provider must be presented for review to ARC with the homeowner’s request.

**Section  
30**

**Awnings**

- A. Only retractable roll-out awnings encased on rear of home are permitted.
- B. You must submit an architectural application, with a survey showing location and sample of fabric, to ARC for approval prior to installation. Colors must be consistent with the color scheme of the houses in the community.
- C. Periodic cleaning and eventual replacement by owner is at the discretion of the Board of Directors.

**Section  
40**

**Basketball Hoops**

- A. Shall be professionally manufactured basketball backboards installed on black poles with white or clear backboard. No roof or roof-mounted backboards are permitted.
- B. Portable basketball hoops shall be stored in garage when not in use. Storage on lanais or anywhere outside of the home is prohibited.
- C. Shall not cause a nuisance.
- D. Portable basketball hoops can not be set up in the street.

**Section  
50**

**Watercraft**

- A. The only place a boat, canoe, kayak or other watercraft may be kept within the community is within the garage or behind an enclosed wooden fence of the unit owner. Boats, canoes or kayaks parked in the street, clubhouse or sport fields parking lots, or any other unauthorized area will be towed at the owner’s expense.
- B. Boats, canoes, kayaks and other watercraft are not permitted on the lakes.
- C. Boat houses or docks are not permitted.

**Section  
60**

**Clothes Drying**

- A. No garments, rugs, or any other materials may be hung, exposed, or dusted from the windows or from the front façade of any home. Further, no outside clothesline or other facilities for drying or airing clothes shall be erected in the front, side or back yard of any home.

**Section  
70**

**Driveways & Walkways**

- A. Surfaces must be consistent with original materials and colors.
- B. Walkways from the driveway to front door; front and rear patios and porches may be considered for resurfacing (tile, pavers, etc..)
- C. Driveways should remain free from oil, gas and other stains. Periodic cleaning may be required at the discretion of the Board of Directors.
- D. No side extensions to the driveways or walkways are allowed.

**Section  
80**

**Exterior House Light**

- A. All additional light fixtures require architectural approval. Along with your architectural application submit a picture of the fixture and a copy of your survey, showing the location, to ARC for approval prior to installation.

**Section  
90**

**Fences**

You must submit an architectural application with a survey showing the fence location for approval prior to installation. Municipal permits are responsibility of homeowner. Rear gates, a minimum of five (5) foot wide are required to allow access of lawn maintenance equipment These gates MUST be kept unlocked at all times.

A. Interior Lots

1. Up to a 5' black aluminum, or black vinyl coated chain link style fence or 6' wooden shadowbox fence only.
2. Must be set back at least 5' from front corners of house.
3. Due consideration should be given to any easements that may exist.

B. Corner Lots

1. Up to a 5' black aluminum, or black vinyl coated chain link style fence or 6' wooden shadowbox fence only
2. Must be set back at least 5' from front corners of house.
3. Fences must be set in at least 5' from the sidewalk on the side of the property facing the street.
4. Due consideration should be given to any easements that may exist.

C. Perimeter Lots

1. Up to a 5' black aluminum, or black vinyl coated chain link style fence or 6' wooden shadowbox fence only.
2. Must be set back at least 5' from rear property line.
3. Due consideration should be given to any easements that may exist.

**Section  
100**

**Flag Poles & Flags**

- A. No flags or banners other than American flags.
- B. Only permissible installation is by brackets mounted to the front exterior of house. Flag poles are prohibited. Flags are not permitted to be affixed to trees or other landscaping.
- C. You must submit an architectural application with a survey showing location to ARC for approval prior to installation.

**Section  
110**

**Garages**

- A. Garage conversions are not permitted.
- B. Garage doors should be kept closed when garage is not in use.
- C. Garages doors should be periodically cleaned, painted and maintained - damaged or unsightly doors may be required to be cleaned, repaired, or replaced at the discretion of the Board of Directors.
- D. Garages with front facing windows should be fitted with appropriate window treatments (see Section 320).

**Section  
120**

**Gutters & Down Spouts**

- A. Gutter color must match the fascia of the house.
- B. Down spouts must match the color of the house.
- C. You must submit an architectural application with a survey showing location to ARC for approval prior to installation.

**Section  
130**

**House Colors**

- A. Shall remain as original colors selected for the community.
- B. Approval must be received prior to painting front doors or garage doors.
- C. You must submit an architectural application to ARC for approval prior to painting.

**Section  
140**

**House Paint**

- A. Shall not have mildew or irrigation staining.
- B. Shall not have chipped or peeling paint.

**Section  
150**

**INTENTIONALLY LEFT BLANK**

**Section  
160**

**Landscaping & Plant Materials**

- A. Landscaping (includes plants in established planter beds) shall not be removed without prior approval.
- B. All landscaping shall be contained in mulched beds.
- C. Homeowner is responsible for maintenance and upkeep of all additional landscaping.
- D. Landscaping should not be planted in the Right of Way or Public Utility Easements. Planting in such areas is at the homeowners risk, as if utilities need to be installed or repaired, it is within the right of the installing entity to remove the plants with no responsibility to replace them or compensate the owner.
- E. When installing new landscaping in any area other than an existing planter bed, or when installing a new planter bed, homeowner is required to have all public and private utilities located and flagged prior to digging.
- F. **LANDSCAPE LIGHTING & DECORATIVE STRUCTURES**
  - 1. Wiring shall be buried and out of sight.
  - 2. Homeowner may be required to assume responsibility for maintaining lawn directly surrounding landscape lighting or decorative structures if the installation of such features creates an undue burden on the lawn maintenance company
  - 3. Transformers shall be obscured from view.
  - 4. Must not be a nuisance to neighbors.
  - 5. No trellis' are allowed.
  - 6. Ponds, fountains and other water features and sculptures are not permitted unless contained within an enclosed lanai or pool area.
- G. **PLANT MATERIAL**
  - 1. **Trees**
    - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited completely, or restricted in certain locations.
    - (B.) Shall not be a nuisance due to insects or rodents.
    - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
    - (D.) Fruit trees must be planted a minimum of 10' from property lines. Standard setback for all trees other than fruit trees is a minimum of 5' from property lines. Large or rapidly growing trees may require greater setbacks.
    - (E.) Fallen fruit, branches and fronds must be picked up.
    - (F.) Fruit trees may only be planted in backyard.
    - (G.) No trees may be planted in the 20' lake easement.
    - (H.) For the health of the tree, the planting of flowers around swale trees is not permitted.
  - 2. **Hedging**
    - (A.) Most varieties permitted, however rapid growing and/or invasive varieties may be prohibited or restricted in certain locations.
    - (B.) Shall not be a nuisance due to rodents or insects.
    - (C.) Shall be regularly trimmed so that branches do not become a nuisance to neighboring properties.
    - (D.) Spacing of hedging shall be continuous (i.e. planted on 18 inch centers).
    - (E.) Hedging shall be planted inside property line by at least 18 inches. On corner lots, hedging must be set back at least 5' from sidewalks and/or roadways.
    - (F.) Landscaping shall not extend into lake easement.
    - (G.) Hedging must maintain height between 4 and 5 feet.
  - 3. **Plants and Flowers**
    - (A.) No artificial vegetation allowed (includes grass, plants, etc.,).
    - (B.) Most varieties of plants permitted.
    - (C.) Shall not encroach into the 20 foot lake maintenance easement.
    - (D.) For the health of the tree, the planting of flowers around swale trees is not permitted.
    - (E.) Adding new planter beds or replacing plants in existing beds requires prior approval from the HOA.

**Section  
170**

**Mailboxes**

- A. No individual mail boxes are permitted. Mail delivery is located at designated locations.

**Section  
180**

**Nuisances**

- A. Music may not be played at a level that can be heard outside of you home.
- B. No homeowner shall create an annoyance to the neighborhood. Loud, disturbing and unnecessary noises will not be tolerated and may be reported as noise disturbances to the Martin County Sheriff's Office. Activities that may constitute a noise disturbance include, but are not limited to, the following:
  - a. loud music, television or parties
  - b. sounding of horns and whistles for an unreasonable period of time other than as a danger warning
  - c. yelling, shouting, singing, etc other than at normal conversation levels after 11pm
  - d. barking, howling, whining, screeching of animals
- C. Rodents and insects shall be controlled.
- D. Garage or yard sales are not permitted.
- E. Firearms, pellet, and BB guns shall not be discharged within the community.
- F. Fireworks are not permitted within the community.

**Section  
190**

**Parking of Vehicles**

- A. Parking on streets, parking on or across sidewalks, parking on lawns, and parking on common areas is not permitted.
- B. Vehicles may not be parked sideways on driveways.
- C. Board of Directors or their agent has the authority to tow vehicles which are in violation of the rules and regulations of the community at the vehicle owner's expense.
- D. Vehicle owner will be responsible for expense of repairs required to any property damaged as a result of parking in violation of these rules (ie: damage to grass, sprinkler, etc.).

**Section  
200**

**Patios & Lanais**

- A. Wood decks are not permitted.
- B. Shall be constructed of pavers or concrete.
- C. Materials shall be consistent in color and type with those used in the construction of the home.
- D. Shall not extend beyond the plane (sides) of the house.
- E. Shall not encroach on any easement, including 20' lake maintenance easement or utility easements.
- F. Homeowner is responsible for having all public and private utilities located prior to commencing construction.
- G. Irrigation lines and heads that run through the area of the improvement should be capped and/or re-routed so that no running water is flowing under the patio/lanai. Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the patio/lanai, Association's irrigation contractor will repair the line and is permitted to remove any portion of the patio/lanai necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to Homeowner for damage caused to the patio/lanai as a result of the break.

**Section  
210**

**Pets**

- A. A maximum of 3 pets per home is permitted.
- B. Pets must be leashed at all times when they are not in a fully enclosed patio/yard.
- C. You must pick up after your pets.
- D. Pets cannot be left outside, including within a screen patio area or a pool screen enclosure, to bark or to the annoyance of neighbors.

**Section  
220**

**Swing Sets and Play Equipment**

- A. Tree houses are not permitted. Association insurance will not cover any injury or damage caused by use of unauthorized play equipment.
- B. No swing set or equipment with a height taller than 15' is permitted.
- C. Shall be landscaped so as to obscure from view and must not become a nuisance.
- D. Shall be properly maintained and kept in good repair; Swing sets or equipment that are in disrepair, unclean, or become a nuisance may be requested to be removed from the property at the discretion of the Board of Directors.
- E. It is recommended that any swing set or play equipment that is not portable be installed in a mulch bed to accommodate lawn maintenance. Neither Association nor landscaper will be responsible for equipment damaged in the course of routine lawn maintenance.
- F. Shall not be placed closer than 10 feet from any adjoining property line.
- G. You must submit an architectural application with a survey showing location to ARC for approval prior to installation.

**Section  
230**

**Pools & Pool Equipment**

- A. Swimming Pools & Spas
  1. No portion of pool, pool deck or enclosure may extend beyond plane of the house.
  2. No portion of pool, pool deck or enclosure may encroach on 20' lake maintenance easement.
  3. Homeowner is responsible for having all public and private utilities located prior to commencing construction. Homeowners that proceed with construction without having utilities located will be responsible for costs associated with damage to any utility line.
  4. Irrigation lines and heads that run through the area the pool and deck will be installed should be capped and/or re-routed so that no running water is flowing under the pool or deck. Homeowners who build over existing lines do so at their own risk. In the instance a line breaks underneath the improvement, Association's irrigation contractor will repair the line and is permitted to remove any portion of the improvement necessary to complete the repair. Neither Association nor contractor will be responsible for repair or reimbursement to Homeowner for damage caused to the as a result of the break.
  5. Survey showing a scaled drawing of pool/spa and pool equipment should be attached to your architectural application.
  6. It is suggested that you receive architectural approval from ARC before applying for permits.
- B. Pool Equipment & Gas Tanks (heaters, pumps)
  1. Landscaping shall be used to obscure pool equipment from view.
  2. Type of landscaping that will be used should be identified in architectural application submitted for pool installation.

**Section  
240**

**Screen Enclosures & Screen Doors**

- A. Shall not extend beyond the plane of the house nor encroach on any easement, including 20' lake maintenance easement.
- B. Shall be bronze aluminum framing to match fence, with charcoal color screening.
- C. Shall not have flat aluminum covered roof.
- D. Landscaping may be required, particularly on corner lots.
- E. It is suggested you receive architectural approval from ARC prior to applying for permits.
- F. You must submit an architectural application with a survey showing location of structure for approval prior to installation.

**Section**

**Seasonal Lights & Holiday Decorations**

- A. May only be displayed for a total of 40 days per calendar year.
- B. No hooks, nails or other devices shall be placed on a tree or other landscaping for purpose of hanging lights or other decoration as this is harmful to the health of the plant.

**Section  
260**

**Sidewalks (Parallel to Streets)**

- A. Shall not be painted or stained.
- B. Shall be kept free of irrigation stains.
- C. Sidewalks are never to be altered except as originally installed.

**Section  
270**

**Signs**

- A. One "For Sale" or "For Rent" sign may be displayed in the front window of the home, provided the face surface shall not be larger than 3" x 5". Once the developer has sold all homes within the community the size will then be increased to "18 x 24".
- B. No other signs are permitted.
- C. No signs of any kind may be placed on community common grounds.

**Section  
280**

**Storage Sheds & Tents**

- A. Are not permitted.

**Section  
290**

**Storm Shutters**

- A. Shall preferably have removable panels.
- B. Roll-down and sliding models shall match wall color.
- C. Accordion panel shutters must match color of adjoining window or door frame.
- D. No Bahama Shutters are permitted.
- E. Panels must be in place no earlier than 48 hours prior to storm or warning, and must be removed within 7 – 14 days after a storm or 48 hours after a warning.
- F. Must not be used for security purposes.
- G. You must submit an architectural application with a survey, showing location to ARC, for approval prior to installation of shutters other than what was included with your home.

**Section  
300**

**Trash**

- A. All trash must be placed in containers. Bags and loose trash are not permitted. Containers should be made of rigid plastic with 20 – 32 gallon capacity, well-sealed.
- B. No trash containers can be put out earlier than 24 hours before pick up.
- C. Containers must be brought in no later than 12 hours after collection.
- D. Trash containers must be stored out of view. Trash containers may not be stored at the side or rear of the house unless obscured from view by approved landscaping.

**Section  
310**

**Vehicles**

- A. No recreational vehicles, trailers, or mobile homes are permitted to be stored within the community unless they can be stored in the garage, with the garage door down or behind a wooden fence at all times.
- B. Commercial vehicles must be kept in garage or behind a wooden fence at all times.
- C. No car covers or unlicensed cars are allowed.
- D. ATV's, 4-wheelers and similar vehicles may not be driven anywhere within the community.

**Section  
320**

**Windows and Window Coverings**

- A. Window coverings shall consist of curtains/drapes, blinds or other traditional window covering. Sheets, newspaper, aluminum foil, bags and other similar items are not permitted.
- B. Tinting shall be non-mirror finish.
- C. Broken or damages blinds or window coverings will be required to be replaced at the discretion of the Board of Directors.
- D. Broken windows shall promptly be replaced.

Compliance with these guidelines does not automatically grant architectural approval. Architectural approval must be requested in writing, for any changes to the exterior of your home. Application and instructions can be found on the attached Architectural Review Board Application form or by calling Property Keepers Management at (954) 586-5111.

**BAY GARDENS HOMEOWNERS ASSOCIATION ARCHITECTURAL REVIEW COMMITTEE  
APPLICATION AND APPROVAL FORM**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ (H) \_\_\_\_\_ (w)

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_

Date: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approval is hereby requested to make the following modifications, alterations, or addition to my home or lot.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please attach a detailed description of the modification/improvement (ie: color, size, materials to be used), along with a lot survey containing a scaled drawing of the location of the modification/improvement, and copy of professional license and proof of insurance of contractor who will be performing the work if other than the homeowner.**

I AGREE:

1. To abide by the decision of the ARC/Board of Directors.
2. That if the modification is not completed as approved, said approval can be revoked and the modification removed.
3. That I am responsible for restoring all property affected by my installation/modification to its prior condition and that I am responsible to pay for and repair any and all damages done to any common area or adjoining property as a result of the installation/modification within a reasonable time following completion.
4. That I may be required to place a deposit with the Association in the amount of \$200.00-\$1,500.00, depending on the size and nature of project, to secure against property damaged as a result of the installation/modification. Once the installation/modification is completed and the property is appropriately restored, as determined by the Board, the deposit will be returned to me. Should I fail to restore or repair damaged property caused by the installation/modification within a reasonable time, the Association will have the right to use my deposit to complete the repairs.
5. To obtain all necessary permits and comply with all State, County, and City codes and ordinances.
6. That I am responsible for having all public and private utilities located prior to commencing work on any improvement/modification that requires any digging or excavation, and that the ARC will not approve this application until I have returned the attached Irrigation Review Form executed by a representative of Association's irrigation vendor.

I have read, understand and agree to all of the above.

\_\_\_\_\_  
Owner's Signature

Please mail request to:  
Property Keepers Management, LLC.  
6555 Powerline Road  
Suite 105  
Fort Lauderdale, FL 33309  
<http://www.Property-Keepers.com>  
[JoseF@property-keepers.com](mailto:JoseF@property-keepers.com)  
Phone: 954-586-5111  
Fax: 954-586-5113



**BAY GARDENS HOMEOWNER'S ASSOCIATION ARCHITECTURAL REVIEW COMMITTEE  
APPLICATION AND APPROVAL FORM (Cont.)**

Date first received by ARC: \_\_\_\_\_ (initial/date)

Application not completed, contacted owner: \_\_\_\_\_ (initial/date)

Approved: Property Manager \_\_\_\_\_

Homeowner's Association ARC \_\_\_\_\_

Denied: Property Manager \_\_\_\_\_

Homeowner's Association ARC \_\_\_\_\_

Deposit Amount (if required): \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_