

BOCA RATON HOMEOWNERS' ASSOCIATION, INC.

**RESOLUTION AND GUIDELINES REGARDING
REGULATION OF MINIMUM RESIDENTIAL LOT LANDSCAPING**

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF GALV ESTON §

WHEREAS, THE BOCA RATON HOMEOWNERS' ASSOCIATION, INC. (the "Association"), is charged with administering and enforcing those certain covenants, conditions and restrictions contained in the recorded Declarations, and any amendments thereto, for the various sections of the Boca Raton subdivision (the "Community") (collectively referred to as the "Declarations");

WHEREAS, Chapter 204, Section 204.010(a)(6) of the Texas Property Code empowers the Association acting through its Board of Directors (the Board), to regulate the use, maintenance, repair, replacement, modification, and appearance of the Community and to implement written Architectural Control Guidelines (the "Guidelines"); and,

WHEREAS, Article III Use Restrictions, Section 14 Building and Lot Maintenance, of the Declarations authorizes the Board to issue guidelines to interpret the spirit and intent of this section;

WHEREAS, the Board has determined that in connection with maintaining the property values, aesthetics, and architectural harmony of the Community, and to provide clear and definitive guidance regarding landscaping for each "Residential Lot", as defined in the Declarations it is appropriate for the Association to adopt guidelines regarding Residential Lot landscaping within the Community.

NOW, THEREFORE, BE IT RESOLVED THAT the following Guidelines are adopted by the Board of Directors.

GUIDELINES

1. GENERAL

The terms "dwelling unit, house, home, single-family residence or residence, Lot or Residential Lot" shall be used interchangeably in the context of these Guidelines. The landscape beds and the required plant layout must screen the house's foundation from public view during all seasons to the greatest extent possible. Planting beds should produce a harmonious landscape setting and should enhance the architecture of the residence with a suggested minimum width of four (4) to six feet (6) from the foundation of the home.

- a. All planting beds should be mulched. Mulch shall be replaced and/or turned frequently enough to maintain a manicured look. Mulch should be approximately two to three inches below weep holes to avoid attracting termites into the home.
- b. Plant material shall be pruned and/or trimmed as frequently as needed to maintain a manicured look, and/or provide required screening of the foundation and mechanical equipment.
- c. Plant material shall be healthy and living; use of artificial plants or flowers is not permitted.
- d. Irrigate as needed to maintain healthy plant material. Irrigation frequency shall comply with any standards or restrictions in force from time to time by the City of Friendswood.
- e. Rock or gravel of any size or color requires specific, prior approval from the Architectural Control Committee (the "ACC").
- f. Earth-tone rocks may be used on a limited basis for drainage and aesthetic purposes.

2. Evergreen Shrubs and Groundcover

- a. Shrub Planting - Use a minimum size of three (3) to five (5) gallon container-grown shrubs. The quantity of plants needed will vary by Lot, to sufficiently screen the homes foundation from public view during all seasons, as outlined in the Guidelines.
- b. Groundcover or Border Plants – Use a minimum size of one (1) gallon containers. The quantity of plants needed will vary by Lot, to sufficiently screen the homes foundation from public view during all seasons, as outlined in the Guidelines.
- c. Hedgerow shrubs in the front landscape beds in front of windows must be maintained four (4) feet or lower to provide a uniform, manicured appearance, and for safety as recommended by the Friendswood Police Department.

3. Edging and Borders

Edging material or border plants around planting beds is strongly encouraged for maintenance purposes and to define the shape of the beds, but it is not required. Natural border plants, such as monkey grass, liriopse or jasmine can be used. All edging material must be properly maintained. Borders must be clearly defined.

- a. Acceptable Edging Materials – landscape timbers, steel, stone, interlocking bricks or brick and extruded concrete borders/curbs.

(1) Landscape timbers may be laid horizontally or vertically, having a uniform height or edge.

(2) Stone may be laid flat as accent material.

(3) Landscaping bricks shall enhance the house brick. It is recommended that the landscape bricks not be laid loose, but be secured into the ground either horizontally or vertically.

(4) Colored, extruded concrete border/curbs are acceptable, but must enhance the exterior color scheme of the residence.

b. Unacceptable Edging Materials – wire, wood or plastic fencing, lattice, or other materials not in character with the desired landscape effect.

NOTE: *House bricks are an inappropriate material for edging and cannot be used for landscape borders.*

4. **Improvements**

a. More than 50% revamp of exterior landscaping requires submission of a landscape plan to the ACC for review and approval to ensure compliance with this resolution.

b. Consult with the ACC with shrub/plant questions prior to making extensive changes to the landscape or planting beds, then submit an ACC Request for approval.

c. Care should be exercised in the landscaping and in planting and maintenance of trees and shrubs on each Lot to prevent drainage problems or obstruction of sight lines required for vehicular traffic. Consideration should also be given to type of trees to be planted, specifically with regard to size of mature trees and how roots will affect foundation, water lines and underground cables, etc. If such plantings result in complaints by neighbors, the ACC will consider appropriate measures to resolve the problem.

5. **Maintenance**

a. Property maintenance and care of the landscape is vital to the overall appearance of your home. All landscaped areas must be maintained on a regular basis.

(1) Mow lawn areas as needed.

(2) Maintain a neat and clean lawn edge along sidewalks and other paved areas, as well as around planting beds.

- (3) Keep planting beds free of weeds and debris.
- (4) Remove leaf litter, dead plants and any trash from lawns and planting beds.
- (5) Prune trees, bushes and shrubs as needed. Do not allow trees and shrubs to obstruct the sidewalk or road. Yard trees should be pruned to raise the canopy to provide clearance of at least twelve (12) feet over the street and eight (8) feet elsewhere. The lowest branches of yard trees must not cover first floor windows.
- (6) Remove and properly dispose of dead or damaged plant material.
- (7) Remove lawn clippings after mowing, including from paved surfaces.
- (8) Keep sidewalks and driveways clear of fallen leaves and other debris.
- (9) Do not dump grass cuttings, leaves, limbs, branches or other debris in common areas and other open spaces within and around the Community. Do not dispose of grass cuttings, leaves, limbs, branches or other debris in storm sewer inlets.

b. Dead Trees:

- (1) A dead tree is defined as 50% or more not living. Dead trees must be removed and replaced with like kind and size (unless dead tree is on the invasive list or requires ACC approval). A dead tree over 4" caliper size, measured 12" up the trunk from ground level, may be replaced with not less than a 4" caliper tree of like kind.
- (2) Should an owner disagree that a tree is not 50% dead, the HOA shall obtain an expert opinion from an arbor expert. If, in the expert's opinion, the tree is 50% dead, the owner must remove the tree and reimburse the HOA for the cost of the expert evaluation to the HOA.
- (3) Level any displaced landscape bricks or edging material to provide a uniform appearance.

c. Prohibited Plants and Trees: *Invasive and Noxious plants and trees, as classified by Texas Parks and Wildlife Department, are not allowed. These include, but are not limited to the following: alligatorweed, balloonvine, Brazilian peppertree, broomrape, camelthorn, Chinese tallow tree, Eurasian watermilfoil, giant duckweed, giant reed, hedge bindweed, hydrilla, itchgrass, Japanese dodder, kudzu, lagarosiphon, paperbark, purple loosestrife, rooted waterhyacinth, Russian olive, saltcedar, salvinia, serrated tussock,*

torpedograss, tropical soda apple, water spinach, waterhyacinth, and waterlettuce.

NOTE: Existing Chinese tallow trees are grandfathered. Dead Chinese tallow trees cannot be replaced with another Chinese tallow tree. Removal of existing Chinese tallow trees is encouraged.

d. All landscape brick, timbers or stones must be kept free of mold and mildew.

6. Compliance:

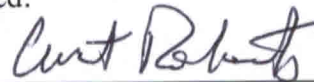
Failure to follow the minimum standards set forth in this resolution may subject the owner to a punitive assessment under the Schedule of Residential Fines for violation of Article III, Section 14a(9) of the Declarations.

These Guidelines are effective upon recordation in the Public Records of Galveston County, and supersede any related guidelines which may have previously been in effect. Except as affected by Section 202.007 of the Texas Property Code and/or by these Guidelines, all other provisions contained in the Declarations or any other dedicatory instruments of the Association shall remain in full force and effect.

Duly approved and adopted at a meeting held by the Board of Directors of the BOCA RATON HOMEOWNERS' ASSOCIATION, INC., this 3d day of April, 2014.

Effective Date: May 22, 2014.

Signed:

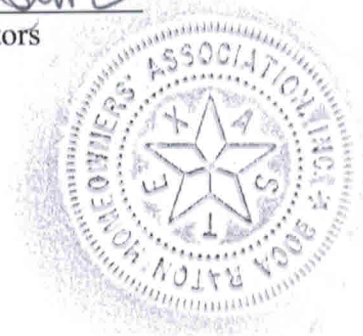


President, Board of Directors

Attest:



Secretary, Board of Directors

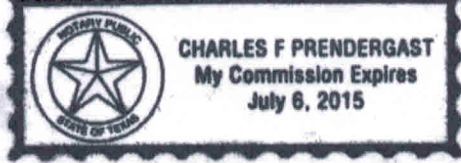


THE STATE OF TEXAS

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COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the 3d day of April, 2014, by Curt Roberts, President of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



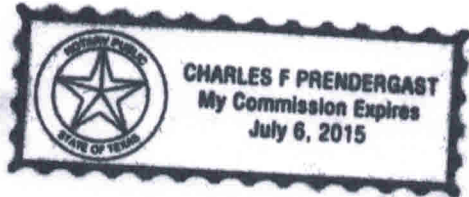
Charles F. Prendergast
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

THE STATE OF TEXAS

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COUNTY OF GALVESTON

THIS INSTRUMENT was **acknowledged** before me on this the 3d day of April, 2014, by Jacquelyn Gibson, Secretary of BOCA RATON HOMEOWNERS' ASSOCIATION, INC., a Texas non-profit corporation, on behalf of said corporation.



Charles F. Prendergast
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

FILED AND RECORDED



OFFICIAL PUBLIC RECORDS

Dwight D. Sullivan 2014027940

May 22, 2014 10:40:10 AM

FEE: \$46.00

Dwight D. Sullivan, County Clerk
Galveston County, TEXAS