



---

## ARCHITECTURAL & LANDSCAPE GUIDELINES

---

Updated March 7, 2021

**The Estuary** is not only a residential community but, at a higher level, it is a brand. The name "The Estuary" has a meaning that defines our community in terms of lifestyle and quality. One of the things that protects every brand's value and enables it to lead is precisely their brand uniformity and consistency. Consistency or lack of consistency can enhance or denigrate brand value and, in a community, residential property values.

All Homeowners' Associations must have standards to keep communities looking attractive and homogeneous. While it's unlikely that we would have metal sheds, rusty cars on driveways, outlandish yard sculptures or half completed landscaping projects, we need to have a set of standards to protect our community. Unfortunately, 104 homeowners will never completely agree on the details of those standards. That is why we have an Architecture and Landscaping Committee (ALC) consisting of interested homeowners—to provide recommendations and guidance to the Board— and a Board of Directors to consider ALC recommendations and make final decisions for implementation.

As your Board, we do our best to gather facts and input to make the best decision possible for the overall benefit of our community. Thank you for your understanding.

The following Architectural and Landscape Guidelines are intended to be general rules and application information for the most common homeowner needs. For more specific information about rules governing flags, signs, color of interior shutters, etc., please consult the [DECLARATION](#) which is posted on the Estuary website.

### **GENERAL APPLICATIONS FOR FRONT, SIDES AND BACK**

#### **How to make an application to the architectural & landscape committee:**

All ALC applications forms can be found on the Estuary website under [FORMS](#)

**You do *not* need to submit an application for the work if it meets the following criteria:**

- If you are using Estuary landscapers for your work.
- That there is no alteration to the beds.
- If you are only refreshing your existing landscape plantings.

## You **must** submit an application for the following:

- If you are altering the shape of your beds, you must submit an application.
- If you are removing a palm tree, you must get a permit from the city and specify the replacement.
- If you are removing a palm tree and relocating the replacement, you must show where the replacement is going on the survey.
- If you are removing a hardwood, you must follow the procedure laid out in the bylaws. Please see DAMAGED TREE REPLACEMENT RULE on page 4 of this document.
- If you are extending your patio you must show where the new patio will be. You must show this on the survey of your property. You must include details such as borders, paver orientations and a sample.
- If you are replacing pavers, you must submit an application with either a tile or paver sample or with a quality picture of the replacement. Acceptable colors will be in the warm, earth tones range or stone similar to coquina or coral stone.
- You must show any lighting changes on your property with information on the fixtures and the location of the fixtures.

## **FRONT YARD**

### Here's what you **CAN** do:

- Personalize the entryway of your home with wreaths, potted plants, wall hangings, etc. The entry way extends from the front door to the end of the planter boxes and under the roofline of the entryway
- Holiday wreaths are permitted on front doors but must be removed within ten days (10) of the holiday for which they are displayed
- Holiday lights may be displayed from December 1 to January 10
- Hurricane shutters may be closed 72 hours prior to Hurricane Watch and removed withing 72 hours after a hurricane watch.
- Satellite dishes must be on the air conditioner well.

### Here's what you **CAN'T** do:

- Garden flags, ceramic figurines, chimes or other 'artwork' are not allowed in the front yard
- Orchids cannot be in hanging pots or baskets but must be attached directly to trees but must be attached directly to trees.
- Display hanging pots outside of entryway.
- Display pots between the front garage doors or in landscaped areas in front of the house
- No artificial plants are permitted if visible from street
- No permanent basketball hoops, hockey nets etc.

## Additional Requirements:

All chipped or broken pots, or pots holding dead or no plants must be removed or replaced immediately.

- All potted plants weighing 50 pounds or less must be moved indoors when a hurricane warning has been issued.
- All pots that are grandfathered before the date of this notice may remain.

## BACK YARD

- Hanging pots, plants or ornaments must be removed before hurricane season if you are not residing here during that time.
- The Board will adhere to all hurricane protocol during hurricane season. Please do not leave your home without making sure you have secured everything. See hurricane requirements on the Estuary web site

### AIR CONDITIONER REPLACEMENTS

The replacement roof air conditioner compressor unit(s) must not be visible from street level and must not exceed 7 (seven) inches in total height above the top of the existing roof enclosure wall. The existing roof enclosure may not be altered or raised. Upon completion, all installations are subject to inspection for conformity.

### ROOF TILE REPLACEMENT

When replacing the entire roof, the follow roof tiles must be used:

MANUFACTURER: Boral, STYLE: Galena, COLOR: Spanish Red, STYLE NO: IGQS7070NN

See the Estuary website for further information.

### EXTERIOR COACH LIGHT REPLACEMENTS

- All lights must be LED soft white lights
- When replacing broken light fixtures over garage doors or on patio walls the following fixtures must be used:  
MANUFACTURER: Maxim Lighting, STYLE: Morrow Bay, COLOR: Earth Tone, STYLE: VX 3-Light Outdoor wall Lantern. See the Estuary website for further information.

## APPLICATION DEPOSITS:

- A refundable damage deposit (see section 7.2) which is 20% of the total cost of the requested change, up to the maximum of \$5,000 for a building structural change and \$2,000 for a landscape change, must accompany the application. Upon final inspection approval by the property manager the deposit will be returned to the homeowner.

## SITE PLAN:

- A property survey (provided with your Documents) must be included with the application showing the location of existing structures and the boundaries of the Property. Proposed changes or additions must be indicated including dimensions and distances from the home and adjacent properties. Landscaping changes must be indicated as well. Homeowners may not make changes outside the boundaries of their property.

## **DRAWINGS & PHOTOGRAPHS & OTHER INFORMATION:**

- A graphic description of the request must be provided. This may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail must be consistent with the complexity of the proposal. Proposals for landscape projects must include information regarding the size and nature of plantings proposed.

## **PERMITS:**

- After receiving approval from the BOD, the applicant shall also be required to obtain all necessary permits from Palm Beach County, City of Delray Beach or other governmental authorities. The applicant is responsible for determining whether this requirement applies to the requested modification.

## **DAMAGED TREE REPLACEMENT RULE**

In the unlikely event of extreme damage to a hardwood tree, such as a lightning strike, the Homeowner must either replace the tree with another hardwood or with following acceptable hardwood trees:

- Green Buttonwood
- Live Oak hybrid
- Pigeon Plum.

In order to keep the canopy intact no palms will be accepted to replace a hardwood.

1. Homeowners with a damaged tree must provide a statement from a certified arborist that the tree is injured or diseased and cannot be treated.

2. Homeowners must then complete "Tree/Scrub/Vegetation Removal" application. This will need to be filled out and brought in person to the City. The application must include the type and size of the replacement tree.

3. Homeowners must then complete the proper ALC form found on the website.

Delray Estuary requires that any replacement tree be a minimum of 16' in overall height, with a minimum of 5' of single straight trunk and 8' of clear trunk with a 7' spread of canopy.

4. A three-way approval for a tree removal: a Certified Arborist, the City, and the HOA which ensures all compliance layers have been met prior to commencement of any removals.

## **TIME LIMITATIONS:**

- Work must be completed within 60 days unless the BOD grants an extension or deems that the work may be finished in a shorter time period.
- The BOD has 60 days to respond to a properly submitted application with all the appropriate attachments. If the BOD fails to respond within that time period, the application will be deemed to be approved. If the BOD needs further information, another 60 day period starts from receipt of the new information.

**JOB SITE CONDITIONS:**

- All job sites shall be kept in a neat and orderly condition, as determined by the ALC and BOD.
- Commercial construction hours are Monday through Saturday, 8:00 a.m. to 6:00 PM.
- All construction operations must comply with state and local governmental ordinances.
- Any landscaping damage or other damage, and modifications to the irrigation system, caused by a homeowner's project shall be replaced, repaired, or modified at the expense of the homeowner.

**VIOLATIONS:**

- If any alteration or modification is made without the required prior written consent of the BOD, the alteration has been undertaken in violation of the Declaration. All unapproved alterations or modifications may be required to be removed until BOD approval is granted. In no event may any alteration or modification be allowed to remain if in violation of any of the Covenants and Restrictions contained in the Declaration, or in violation of any zoning or building ordinance or regulation.
- The Association is empowered to enforce its policies, as set forth in the Declaration and this Guide, by means specified in the Declaration, including an action in a court of law, to ensure compliance. The Association also has the right to levy a fine and request full reimbursement of all costs incurred by the Association on modifications made without the written request and approval from the BOD. (Refer to Section 8 of the Bylaws.)
- Homeowners are subject to fines of up to \$100 per day, up to a maximum of \$2,500, for failure to obtain a required BOD approval, for failure to implement a project consistent with the recommendation of the ALC and an approval by the BOD, for implementing a project after receiving a disapproval decision from the BOD, or for violation of the use restrictions set forth in the Covenants. Fines may be imposed in addition to any other remedy available to the Association regarding such violations, including legal action. (Refer to Section 8 of the Bylaws.)