

The Estuary  
Architectural and Landscape Guidelines  
Updated June 26, 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 you may also consult the DECLARATION or Rules at a Glance which is posted on the Estuary website.

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

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You may replace existing plants with the identical species, and you may install flowering border plants, be they annuals or perennials, without formal approval or submitting an ALC application.

For anything else you must submit an application to the ALC, regardless of who is doing the work.

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

All ALC applications forms can be found on the Estuary website under ([www.theestuaryonline.com](http://www.theestuaryonline.com)). Each form, Architectural and Landscape Modification, Air Conditioning Replacement and Tree Removal is in a folder labeled [FORMS](#)

You may do the work yourself or hire a landscaper of your choice. If you use BrightView your will need to submit an application and use BrightView Connect for tracking the work. BrightView connect is also the way to report issues because it creates a formal record. Remember, you still need to submit an ALC application regardless of who does the work, even if you are using BrightView or doing the work yourself.

Please note that **failure to submit an ALC application will result in an automatic \$500 fine.** You will still be required to submit an application after the fact and the application may or may not be

approved. So, if you have any doubt whether something is permissible or not, please submit an ALC application. It's simple and will avoid any potential issues and fines.

### **Trees are a special case**

- If you are removing a palm tree, in addition to the ALC permit, 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 10 of this document.

### **Patios, Pavers and Lighting**

- If you are extending your **patio** you must show where the new patio will be on the survey of your property. You must include details such as type of paver used for extension, 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 within 72 hours after a hurricane watch.
- Satellite dishes must be on the air conditioner well.
- Trellises require prior approval and submittal of ALC application with the following: details of the plans, method of attachment to the building and each location on the building where they are to be located.
- Vines are to be attached only to approved trellises.

- Dumpsters and PODs may be placed in driveway for up to two weeks.
- All window treatments must contain a white color facing to the exterior or be in natural wood color.
- New Gutters require an AC application along with a picture of your house with the location of the gutters drawn in.

## FRONT YARD

### 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.
- Portable Toilets are not permitted inside the community. Homeowners with remodeling underway that require all home bathroom facilities to be closed must direct their contractor's employees to the Security Gatehouse for use of the bathroom facilities.

### **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.
- All yard sculptures, ornaments, planters and fixtures require prior BOD approval for placement on rear patio.
- 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 AND INSTALLATIONS**

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.

- Other than replacement of equipment already located in the same location, there shall be no air conditioning equipment installed on the ground level adjacent to a building.
- Units with three stories shall be able to install air conditioning equipment on their third-floor balconies provided that they shall be camouflaged or otherwise not readily visible from the street or other units. The best solution, costing only slightly more, is on the roof within the parapet.
- Units with only two stories shall install all outdoor air conditioning equipment only on the roof behind the parapet.

## **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

## **FENCES AND GATES**

- Rear patio gates and fences are equipment of the units and maintenance or replacement of them is the responsibility of owners.
- No rear gate on a property may be locked.

- Rear patio gates and fences that are between units are shared ownership and maintenance and replacement costs are shared unless damage can be attributed to a particular unit.
- Owners that have installed fences on the concrete caps of the seawall are responsible for the removal and replacement of them if necessary for seawall maintenance purposes.

## **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**

Before receiving approval from the BOD, the applicant is also 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.

## **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.

### **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.

1. 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.
4. 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.
5. 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.

## 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.)