

The Estuary Architectural and Landscape Guidelines

Updated November 21, 2023

The Estuary is a high-level residential community that offers a quality lifestyle in a beautiful and unique property in Delray Beach. To protect and enhance that lifestyle, and to ensure our property values stay strong, the Homeowners Association has a responsibility to establish standards to keep the property looking attractive, consistent, and well-maintained. Although we would all agree that we want high standards for our community, 104 residents may not always agree on the details of those standards. The purpose of the Architectural and Landscaping Committee (ALC), consisting of interested homeowners, is to provide recommendations and guidance to the Board of Directors for final decisions and implementation on all landscaping matters and standards.

The following Architectural and Landscape Guidelines are intended to be general rules for the most common homeowner needs. For more specific information about rules, you may also consult the DECLARATION or Rules-at-a-Glance which are posted on the Estuary website.

GENERAL APPLICATIONS FOR FRONT, SIDES AND BACK

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:

An overview of the application process and relevant forms can be found on the Estuary website (www.theestuaryonline.com). They are in a folder labeled FORMS.

You may do the work yourself or hire a landscaper of your choice:

You need to submit an ALC application regardless of who does the work, even if you are using the contracted Estuary landscaper or doing the work yourself. You will find the contact information for the contracted landscaper on the Estuary website.

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 that application may or may not be approved. If the application is rejected, you will be required to re-do any changes so that they conform with the subsequent application approval. So, if you have any doubt whether something is permissible, submit an ALC application. It will avoid potential issues and fines.

Patios, Pavers and Lighting:

- If you are extending your patio, you must submit an application showing 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 want to add stones or rocks to your landscaping, they are subject to the same requirements as pavers. You must submit an application with either a stone or rock sample. Acceptable colors are in

the black tones or warm, earth tones or stone similar to coquina or coral stone. Bright white is not permissible.

- If you are replacing pavers, you must submit an application with either a tile or paver sample. Acceptable colors will be in the warm, earth tones range or stone similar to coquina or coral stone. Bright white is not permissible.
- You must show any lighting changes on your property with information on the fixtures and their location.

Fences:

- Any fence installed, subsequent to April 5, 2022, in the back yard of any residence shall be no more than 23.5' (23' 6") from the furthest point of the home's structure, including covered patios, and with respect to residences located on one of the 2 retention ponds (lakes), such fence shall also be no less than 20' from the pond (lake) shoreline. In all instances there can be no encumbrance on drainage easement, maintenance easement nor shall it encumber on the ability of ease and safety of passage of contractors, landscapers and emergency personnel.

FRONT YARD

Here's what you CAN do:

- Personalize the entryway of your home with wreaths, potted plants, wall hangings, etc.
- Holiday wreaths are permitted on front doors but must be removed within ten days (10) of the holiday for which they are displayed. (see Rules at a Glance)
- Holiday lights may be displayed from December 1 to January 10 (see Rules at a Glance)
- Satellite dishes must be on the air conditioner well and require an ALC application.
- 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.
- Window treatments must contain a white color facing the exterior or be in natural wood color.
- New gutters require an ALC application along with a picture of your house with the location of the gutters drawn in.

Here's what you CAN'T do:

- Garden flags, ceramic figurines, chimes or other 'artwork' are not allowed in the front yard.
- Orchids must be attached directly to trees, (no hanging pots or baskets.)
- Hanging pots are not allowed outside of entryway or anywhere in the front of the house.
- No pots are allowed between 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. If you are doing renovations that require your bathrooms to be shut down, your contractors may use the bathrooms in the Security Gatehouse. (Depending on Covid protocols, different rules may apply at any given time.)

Additional Requirements:

- All empty, chipped, or broken pots, or pots holding dead plants must be removed or replaced immediately.
- All potted plants or objects weighing 50 pounds or less must be moved indoors when a hurricane warning has been issued.

BACK YARD

- 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.)
- Hanging pots, plants or ornaments must be removed before hurricane season if you are not here during that time.
- Yard sculptures, ornaments, planters and fixtures require an ALC application before placement on rear patio.

AIR CONDITIONER REPLACEMENTS AND INSTALLATIONS

Replacement roof air conditioner compressor units must not exceed seven inches in height above the top of the existing roof parapet. The existing roof enclosure may not be altered or raised. If a metal cap on the top of the wall is installed to protect it, the cap must fit snugly on the top of the parapet and must be painted the color of the wall. The cap shall not raise the height of the parapet.

- Three story units are allowed to install air conditioning equipment on their third-floor balconies provided that they are camouflaged or otherwise not visible from the ground or other units. The contractor must supply information proving that the unit is secured for hurricane force winds. The casing must be painted to match the color of the wall.
- Two stories units shall install outdoor air conditioning equipment only on the roof inside the parapet.
- Upon completion, all installations are subject to inspection for conformity.
- Other than replacement of equipment in the same location, there shall be no air conditioning equipment installed on the ground level adjacent to a building.
- All air conditioner replacements and installations require prior ALC application and approval.

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.

- All roof tile replacements and installations require prior ALC application and approval.

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

FRONT DOOR HARDWARE AND PAINT

If you wish to replace your door hardware or re-stain your door, you must follow Estuary guidelines. The specs are posted on our website.

FENCES AND GATES

- Rear patio gates and fences belong to the units. Maintenance or replacement is the responsibility of the owners.
- No rear gate on a property may be locked.
- Rear patio gates and fences between units are shared ownership. 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 their removal and replacement if necessary for seawall maintenance purposes.

APPLICATION DEPOSITS

A refundable damage deposit (see section 7.2) equal to 20% of the total cost of the requested change, up to a maximum of \$5,000 for a building structural change and \$2,000 for a landscape change, must accompany the application. The deposit will be returned upon final inspection by the property manager and receipt of all required permits.

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 complete 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 proposed plantings.

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. The BOD has 60 days to respond to a properly submitted application with all appropriate attachments. If the BOD fails to respond within that 60 days, 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

Hardwood Trees

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, palms will not be accepted to replace a hardwood. 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. A three-way approval is required 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.
 3. Homeowners must first complete "Tree/Scrub/Vegetation Removal" application. This form has to be brought in person to the City. The application must include the type and size of the replacement tree.
 4. Homeowners must also complete the relevant ALC form found on the website.
 5. Replacement trees must 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.

Palm Trees

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.

VIOLATIONS: CONSEQUENCES AND REMEDIES

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.)

MISCELLANY

Replacement of Dead Plants: Homeowners are responsible for the appearance of their front and side yards. While Xtreme will trim plants in the beds, homeowners are responsible for replacement of dead plants and for anything attached to their home.

- Plant replacements require prior ALC application and approval.

Red Reflector policy: If a homeowner wishes to maintain their own landscape place a red reflector in front and or back yard. If you use a red reflector the HOA landscaper will not maintain your shrubs or plants on your property. Trees, however will be HOA responsibility.

Stains and Damage: Homeowners should regularly check for stains, chipped paint, wrapped shutters and other damage on the exterior of their home. Issues must be addressed as soon as reasonably possible.

Mulch: Must be either dark brown or black.

Hoses: Should be kept out of sight.

Recycle Bins and Trash Receptacles: May be put out the evening before trash is collected and should be removed by the end of day trash is collected.