

ARCHITECTURE CONTROL COMMITTEE (ACC)

GUIDELINES

POLICIES, PROCEDURES, AND COMMUNITY STANDARDS

1. INTRODUCTION

The architectural review process is designed to ensure that the community-wide standard of excellence and quality established in Delray Villas 4/5 is maintained. An essential element in this is the recognition by all homeowners of the importance of the general plan of the community.

The Architectural Control Committee (ACC) is charged with regulating external appearance and use in a manor that maintains a harmonious relationship among structures and the natural vegetation and topography, and in doing so, preserves or enhances property values.

The guidelines contained herein are based on the architectural and landscaping standards of Delray Villas 4/5 established in the *Declaration of Covenants, Conditions and Restrictions for Delray Villas 4/5* and other governing documents. The guidelines are designed to facilitate the ACC' review and processing of homeowner applications for additions, deletions, construction, modifications or any other changes to residences and landscaping, and assist in the process of informing and advising homeowners of the procedures they must follow, and the standards they must meet when requesting modifications to the exterior of their property. The guidelines are not an exhaustive list of the requirements and standards in the Governing Documents, but rather should be viewed as a *supplement* to those documents.

All exterior changes require an application. ACC approval ensures that all applications meet the community standards. ACC approval must be received before any work may be undertaken. If work that has not been pre-approved by the ACC is implemented, the ACC has the authority to require modifications or removal, the cost of which will be charged to the homeowner, including any cost in connection with defending the HOA from any legal consequences arising from such unapproved work. Unapproved work may also be referred to the Appeals Committee and result in the imposition of fines.

NOTE: Delray Villas 4/5 community standards are subject to modification by resolution and vote of the HOA Board of Directors.

2. AUTHORITY OF THE ACC

A. **Authority of the ACC:** The authority of the ACC is set forth in Articles V and XII and supported by other provisions of the Governing Documents. This authority was agreed to and acknowledged in writing by all homeowners as part of the purchase and sale agreement for their

home. The Governing Documents stipulate that no improvements, including screen enclosures, decorations, attachments, fixtures, alterations, exterior repairs, changes of paint or stain color may be erected, constructed, affixed, placed or altered on any home until the proposed plans, specifications, identification of exterior colors and finishes, landscaping plan and plot plan showing the location of each such improvement has been approved by the ACC, and that refusal of approval may at the discretion of the ACC take into consideration aesthetic considerations.

B. ACC Procedures and Community Standards: On behalf of the HOA, the ACC is empowered to propose and implement procedures for submission of plans and specifications for ACC approval, and recommend new standards or revision of standards pertaining to architectural design features, exterior colors and materials, details of construction, location and size of any structure and landscaping for approval of the HOA Board.

C. Limitation of Responsibilities: The ACC assumes no liability with regard to the structural integrity of any homeowner request. The ACC makes no representation as to its expertise regarding either the structural adequacy, capacity or safety features of proposed improvements or structures as shown on submitted plans, or in the ultimate construction of approved changes, modifications, additions, deletions and new construction. Homeowners are required to hire licensed and insured contractors, and the ACC assumes no responsibility for the performance of any contractor.

D. Committee Structure and Meetings: The ACC shall consist of no less than three (3) members. The HOA Board of Directors has the right, power, authority and obligation to appoint members of the ACC. The ACC shall meet as necessary to review applications, and present its decisions within thirty (30) days of receipt of a completed application.

3. ACC POLICIES AND PROCEDURES

A. Submitting an Application: No proposed improvements may be erected, constructed, affixed, placed, deleted or altered before submitting an application and obtaining approval in writing in advance by the ACC.

(1) Application Process: Applications (*ATTACHMENT A*) may be obtained from the Delray Villas 4/5 ACC Chairperson. Completed applications must be hand delivered to the ACC Chairperson. Only an HOA member (homeowner), not a tenant, may file an application to the ACC.

(2) Site Plan: Homeowners may not make any changes, modifications, additions, deletions and new construction outside the boundaries of their property. A property survey must be included with the application showing the location of existing structures and the boundaries of the property. Proposed changes, modifications, new construction or additions must be indicated thereon, including dimensions and distances between the home and adjacent properties. Landscaping changes, modifications, additions or deletions, must be indicated as well.

(3) Drawings, Photographs and other information: A graphic description of the request must be provided. This may be in the form of manufacturer's literature, photographs or freehand or mechanical drawings. The amount of detail must be consistent with the complexity of the proposal. Proposals for landscaping projects should include graphic description of the type of

plantings to be installed or removed, and information regarding the nature of the plantings proposed and the height to which they will eventually grow, no higher than the window ledge or brick facing in the front. All owners must maintain their landscaping including all trees on a regular basis.

(4) **Permits:** The applicant is solely responsible for determining all permit requirements that apply to the requested modifications, addition or deletion, from Palm Beach County and any other applicable governmental authorities, and for obtaining all requisite permits prior to submission of an application to the ACC.

B. Basis of Decisions: The ACC makes decisions based on the information provided by the homeowner and the standards set forth in the Governing Documents as further described in this document. The ACC does not seek to restrict individual's taste or preferences. In general, its aim is to avoid glaring disparities in the landscaping and architectural themes of Delray Villas 4/5 and to foster thoughtful design so that there is harmony between neighboring residences. The ACC strives to be fair and impartial in the application review process. ACC approval of plans or specifications submitted by one homeowner shall not be deemed to be a waiver by the ACC of the right to object to any of the features or elements if and when the same features and elements are included in any subsequent plans and specifications submitted for approval by other homeowners.

C. Notification of Approval: The ACC has the right to reject an application in order to request additional information. A rejection issued in order to request additional information waives the original thirty (30) day time period, and a new thirty (30) day time period will begin upon receipt of the additional information requested.

D. Landscaping and Irrigation: Any modifications to the irrigation system required in connection with an applicant's project must be completed by the HOA's irrigation contractor and not by any other private contractor. Any damage to landscaping or the irrigation system caused by a homeowner's project will be corrected and restored using the HOA's landscaping and/or irrigation contractors, at the expense of the homeowner, within a reasonable time as determined by the ACC Chairperson.

E. Job Site Conditions: The ACC Chairperson has the right to require cessation of work if the following is not adhered to:

(1) Job sites must be kept in a neat and orderly condition, as determined by the ACC. All tools must be safely and securely stored and the site kept free of trash and construction debris.

(2) Commercial construction hours must not exceed the limits set in the Palm Beach County ordinances – Monday through Friday 8:00AM to 8:00PM and Saturday and Sunday, 8:00AM to 4:00PM.

(3) Construction operations must comply with all state and local government ordinances.

F. Violations: Any work in connection with changes, modifications, additions, deletions and new construction made without the prior written consent of the ACC will be considered a violation and subject to fine. No changes, modifications, additions, deletions or new construction will be

allowed to remain if they are in violation of Delray Villas 4/5 Governing Documents or County zoning or building ordinances or regulations.

(1) **Enforcement:** The HOA is empowered to enforce its policies by means specified in the Governing Documents, including an action in a court of law to ensure compliance. The HOA has the right to levy fines and request full reimbursement of all costs incurred by the HOA for changes, modifications, additions and new construction made without the application to approve from the ACC.

(2) **Fines:** Homeowners are subject to fines of up to \$100 per day up to a maximum of \$1000 for failure to obtain required ACC approval, failure to implement a project consistent with the conditions of approval by the ACC, or for implementing a project after receiving a disapproval decision from the ACC. Fines may be imposed in addition to other remedies available to the HOA, including legal action.

4. COMMUNITY STANDARDS – ARCHECTURAL, LANDSCAPING, OTHER.

The ACC regulates the external appearance, use and maintenance of homeowner improvements to assure compliance with the Delray 4/5 Governing Documents. The ACC evaluates all applications based on the individual merits of the application. In addition to design components, the characteristics of the individual property and lot size are considered.

A. General: The following general criteria apply to *all* ACC applications for changes – architectural, landscaping and other miscellaneous.

(1) **Conformance With Covenants:** All applications are reviewed to confirm that the request is in conformance with all applicable standards set forth in the Covenants of Delray Villas 4/5.

(2) **Validity of Concept:** The basic concept of the proposed changes, modifications, additions, deletions or new construction must be sound and appropriate to the surroundings.

(3) **Design Compatibility:** The proposed changes, modifications, additions, deletions and new construction must be consistent with the general plan of the development of the community and compatible with the architecture and characteristics of the homeowner's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship and use of materials and color.

(4) **Location and impact on neighbors:** No additions may infringe on a neighbor's privacy and quiet enjoyment of his or her property. Proposed changes, modifications, additions, deletions and new construction must relate favorably to the landscape, the existing structure and the neighborhood. Primary concerns include access, view, sunlight and drainage.

(5) **Use Restrictions:** Use restrictions are contained in the Governing Documents. In purchasing property in Delray Villas 4/5, all owners have agreed to comply with these restrictions. Violations of use restrictions will result in project denial.

B. Architectural Standards: Following is a selected listing of community standards for architectural changes that will require approval by the ACC:

(1) **Hardware and Accessories:** Change or replacement of downspouts, decorative shutters and other architectural features, must be approved by the ACC.

(2) **Hurricane Shutters:** Permanent hurricane shutters – defined as shutters, mounting brackets and other architectural elements which are affixed to the dwelling – require the approval of the ACC prior to installation. Clamshells are not considered hurricane shutters.

(3) **Screen Enclosures:** The following standards apply:

a: Screen enclosures must be white or bronze aluminum.

b: In the event a screen enclosure structure or screening is damaged, repairs must be made within three months unless the ACC grants an extension due to extensive screened enclosure damage in the area that makes it difficult to arrange for repairs within that time. Prior to the end of the three-month period, the homeowner must either have the repairs completed or provide a signed contract, which specifies completion within a time period approved by the ACC.

c: If installation of a screen enclosure or patio affects existing landscaping, it will not be approved by the ACC unless the homeowner agrees to pay the costs of relocating or replacing the affected landscaping.

d: It is the homeowner's responsibility to contact the HOA's irrigation contractor to ensure the enclosure installation will not impact the irrigation system. The cost of this evaluation and any needed modifications is the homeowner's responsibility.

(4) **Screen Doors:** Screen doors must be constructed of white or bronze aluminum. The structure may include a horizontal base plate of white or bronze aluminum.

C: LANDSCAPING STANDARD

(1) **Homeowner plantings:** The homeowner is solely responsible for maintenance of homeowner plantings.

(2) **Vines, Trees, Shrubs and Hedges:** No trees may be removed or replaced without ACC approval. When trees are removed, stump must be ground up and sod replaced. No "Hat Racking" of trees is permitted. Any homeowner who violates the provision will be subject to an Assessment equal to the amount charged to the HOA by Palm Beach County in addition to a fine of One Hundred (\$100.00) Dollars per day up to One Thousand (\$1000.00) Dollars.

(3) **Vines:** Vines planted adjacent to residential structures present several problems. There are two primary categories of vines. One (1), vines that adhere to walls or other parts of a residential structure and are a source of discoloration and mold, and (2) vines such as bougainvillea that do not adhere to walls.

a. **Prohibition of Adhering Vines:** No vines that adhere to any part of a residential structure, including privacy walls are permitted to be installed. No landscaping applications that propose adhering vines will be approved.

b. **Removal of Adhering Vines:** Vines that adhere to residential structures, including privacy walls, must be removed by the homeowner and any damage repaired at the homeowner's expense.

c. **Non-adhering Vines:** Non-adhering vines such as bougainvillea do not have to be removed if they can be pulled back at least ten inches from the structure. If this is not possible, they must be removed. All such pullback or removal is at the expense of the homeowner.

(4) **Satellite Dishes:** Exterior satellite dishes for the reception of television, radio or other signals of any kind may not be placed or maintained upon any portion of a homeowner's property without prior approval from the ACC.

(5) **Energy Conservation Equipment:** Solar heating installations require ACC approval. The equipment must be compliant with all federal, state and local requirements. The panels must be placed as an integral and harmonious part of the architecture. No solar panel or other roof-mounted equipment may be more than one (1) inch above the surface of the roof.

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(6) **Playground Equipment:** No playground equipment may be installed on a homeowner's property.

(7) **Yard Sculptures, Fountains, Ornaments and Decorations:** Any decorative items that are permanently affixed to the structure of a house must be approved by the ACC. Fountains, yard sculptures or other freestanding ornaments must be placed in a planting bed.

(8) **Holiday Decorations and Flags:** Holiday decorations may be displayed from October 1 to January 10 without ACC approval. Official flags including the United States flag, the official State of Florida flag and flags of the U.S. military services may be displayed without ACC approval.

(9) **Other Flags:** Any other flags, including but not limited to school flags or decorative banners require application from the ACC. There are no particular standards except good taste and decorum.

(10) **Underground Propane Storage:** No underground storage vessels, tanks, or any other receptacle of flammable liquids or gas including but not limited to LPG, shall not be permitted within Delray Villas 4/5.

(11) **External Generators:** No external generators shall be permitted to be installed unless it is in compliance with all Palm Beach County Codes or other Ordinances governing external generators. Generators in compliance may be operated between the hours of 8AM and 11PM, except in case of medical necessity.

(12) **General Compliance:** All home owners shall comply with all terms and conditions found in the Operation Documents, including but not limited to Articles of Incorporation, Bylaws and Rules and Regulations of Delray Villas 4/5 which are in effect or may be enacted by the Board of Directors in the future as pertains to the maintenance and upkeep of their property including landscaping.

(13) **Open House Sale Signs:** Open house signs can only be placed within the home.

(14) **Exterior Painting:** Home exteriors are repainted by the homeowner. All color changes must have the prior approval of the ACC and colors must be selected from a current Delray Villas 4/5 palette. The ACC, at its sole discretion, may base its decision on aesthetic or any other considerations.

(15) **Setback and Structure Footprint Limitations:** The front setback and exterior footprint of each unit may not be altered or changed from the original location, except in connection with the new addition of a patio surface or screen enclosure. No enclosed structure other than a screen enclosure may extend outside a covered lanai.

(16) **Exterior Lighting:** Other than holiday lights, all exterior lights must be approved by the ACC and the bulb color must be clear or white. When installing exterior lighting, it must be

aimed so that it does not disturb neighboring properties. The homeowner is solely responsible for any damages to exterior ground lights regardless of cause.

(17) **Exterior Awnings:** All exterior awning installations, retractable or fixed, require ACC approval. The awning must be a solid color compatible with the exterior color of the home, at the determination of the ACC. A swatch of proposed awning material must be provided with the ACC application.

(18) **Fencing:** No fence, wall, hedge or shrub shall be placed or permitted except to hide the A/C and garbage bins and cannot be higher than four (4) feet with ACC approval.

(19) **Driveway Resolution:** Be it resolved that the width of a driveway shall not exceed nineteen (19) feet, and any application to widen a swale, must be accompanied by a Palm Beach County permit. Any deviation in design of a driveway is subject to approval by the ACC.