

COMMITTEE APPROVAL: BETTY HILLIER _____ GLENN SELMI _____ RICH COHEN _____

ROBERT MUNDING _____ LINDA MONTGOMERY _____

DELRAY VILLAS PLAT 4/5 HOMEOWNERS ASSOCIATION, INC
APPLICATION FOR ARCHITECTURAL IMPROVEMENTS
(EXTERNAL PAINTING, CONSTRUCTION, OR MODIFICATIONS)

SINGLE HOUSE _____ DUPLEX _____

NAME OF OWNER _____ DATE _____

PHONE (LOCAL) _____ PHONE (OTHER) _____

EMAIL ADDRESS _____

UNIT ADDRESS _____

NATURE OF IMPROVEMENT(S) _____

1. A SKETCH OF THE PROPOSED IMPROVEMENT(S) MUST ACCOMPANY THIS APPLICATION INDICATING LOCATION(S), DIMENSIONS, AND ALL MATERIALS TO BE USED.
2. SUPPLIER OR CONTRACTOR MUST HAVE A BUSINESS LICENSE AND INSURANCE IN PALM BEACH COUNTY.
3. IF THE WORK IS IN LANDSCAPING: THE SKETCH MUST INDICATE ITS LOCATION, SIZE, MATERIALS TO BE USED, AND THE LOCATION OF ALL SPRINKLER HEADS.
4. IF THE WORK IS PAINTING-HOME: COLOR NAME AND NUMBER FROM THE COLOR CHART MUST BE SUBMITTED WITH THIS APPLICATION AND FOR A DUPLEX INDICATE THE COLOR OF COMMON WALL(S). _____
5. IF THE WORK IS STAINING-DRIVEWAYS: COLOR NAME AND NUMBER FROM THE COLOR CHART MUST BE SUBMITTED WITH THIS APPLICATION. _____

THE HOMEOWNER AGREES TO NOTIFY THE ACC WHEN THE PROJECT IS STARTED & COMPLETED.

NOTE: PLEASE READ ATTACHMENTS BEFORE SIGNING

Depending on the work being done, review all conditions, then (initial area below)

ARCHITECTURAL _____, LANDSCAPING _____, PAINTING - HOMES/DRIVEWAYS _____

Application must be signed before submitting it to the ACC.

OWNER'S SIGNATURE _____ DATE _____

ACTION OF ACC BOARD: () APPROVED () DISAPPROVED DATE: _____

REASON FOR DISAPPROVAL _____

**RETURN TO: DELRAY VILLAS 4/5 ARCHITECTURAL CONTROL COMMITTEE CHAIR
BETTY HILLIER, 6322 LASALLE ROAD 561-400-2392**

ARCHITECTURAL CONTROL COMMITTEE

POLICIES AND PROCEDURES

A. Submitting an application: CHECKLIST

1. Application Process _____

2. Site plans _____

3. Drawings, Photographs and other information _____

4. Permits _____

5. General Compliance _____

B. Basis of Decisions _____

C. Notification of Approval _____

D. Job Site Conditions _____

E. Violations _____

1. Enforcement _____

2. Fines _____

ARCHITECTURAL CONTROL COMMITTEE 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 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 tenant, may file an application to the ACC.

- 2. Site plans:** 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, modification, 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 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, additions or deletions, from Palm Beach County and any other applicable governmental authorities, and for obtaining all requisite permits prior to submission of an application to ACC.

- 5. General Compliance:** All homeowners shall comply with all terms and conditions found in the Operation Documents, including but not limited to Articles of Incorporation, Bylaws, and the 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.

ARCHITECTURAL CONTROL COMMITTEE POLICIES AND PROCEDURES

- 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 the document. The ACC does not seek to restrict an 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 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. Job Site Conditions:** The ACC Chairperson has the right to require cessation of work if the following are 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.
- E. 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 \$100.00 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.

ARCHITECTURAL CONTROL COMMITTEE

ARCHITECTURAL STANDARDS: The following are a selected listing of community standards for architectural changes that will require approval by the ACC:

The homeowner agrees to notify the Chair of the ACC or one of its members, when the project is started and when it is completed

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. **Roofs and Hurricane Windows:** A new roof or new windows require the approval of the ACC prior to installation.
4. **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-months 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. It is the homeowner's responsibility to contact the HOA's maintenance manager 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.
5. **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.

ARCHITECTURAL CONTROL COMMITTEE

PAINTING STANDARDS: The following are a selected listing of community standards for Painting changes that will require approval by the ACC:

The homeowner agrees to notify the Chair of the ACC or one of its members, when the project is started and when it is completed.

1. PAINTING - HOMES

- a. Home exteriors are repainted by the homeowner. Only those colors approved by the Board of Directors and selected from a current Delray Villas 4/5 palette may be used in the painting of any single or villa unit. The color chart is available upon request from the ACC chairperson. It is also available on our website: www.delrayvillas45.com. If you are using the color chart on the website, you must submit the color name and number. The ACC, at its sole discretion, may base its decision on aesthetic or any other consideration.
- b. Only two colors must be used to paint a villa. Color chips must be submitted with the application for approval. Red, yellow, blue or any combination thereof, including orange, green, violet, purple or pink are prohibited. Grandfathering of colors is unacceptable.
- c. No color change in a villa will be permitted in that area hereinafter referred to as "the common wall or common paint area" unless both homeowners agree in writing as to the color, together with the submission of an application to the ACC and the applicant shall not breach this condition.
- d. The common wall of the front of a villa is defined as the unenclosed area between the front entrance of the villa and is to include the gutters and/or fascia board
- e. The common wall of the rear of a villa is defined as any unenclosed area from one extreme end of the dwelling to the other and is also to include the gutters and/or fascia board.
- f. In the event of a disagreement between owners of a villa as to the color of a common wall, the matter will be turned over to the Board of Directors for determination in accordance with the governing documents of the Association.

2. STAINING - DRIVEWAYS - The following standards apply:

- a. Driveways must be stained or painted. They are to be stained or painted with only those colors that are approved by the Board of Directors and are subject to inspection. The color chart is available upon request from the ACC chair. It is also available on www.delrayvillas45.com. If you are using the color chart on the website, you must submit the color name and number.
- b. Where swales exist pavement shall not be stained. This includes sidewalks as the county has jurisdiction over this property.

ARCHITECTURAL CONTROL COMMITTEE

LANDSCAPING STANDARDS: Following is a selected listing of community standards for landscaping changes that will require approval by the ACC:

The homeowner agrees to notify the Chair of the ACC or one of its members, when the project is started and when it is completed.

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

2. **Trees, Shrubs, and Hedges:** No trees may be removed or replaced without ACC approval. When trees are removed, stumps must be ground up and sod replaced. No "Hat Racking" of trees is permitted. Any homeowner who violates the provision will be subject to a 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. Landscaping applications that propose adhering vines will not 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 architect. No solar panel or other roof-mounted equipment may be more than one (1) inch above the surface of the roof.

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.

ARCHITECTURAL CONTROL COMMITTEE

LANDSCAPING STANDARDS: Following is the continuation of the listing of community standards for landscaping changes that will require approval by the ACC:

The homeowner agrees to notify the Chair of the ACC or one of its members, when the project is started and when it is completed.

- 8. Holiday Decorations and Flags:** Holiday decorations may be displayed from October 1 to January 10 without ACC approval. Official flags including the United State 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. Portable generators if in compliance may be operated between the hours of 8AM and 11PM, except in case of medical necessity.
- 12. 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 enclosure structure other than a screen enclosure may extend outside a covered lanai.
- 13. Open House Sale Signs:** Open house signs can only be placed within the home.
- 14. 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 beamed so that it does not disturb neighboring properties. The homeowner is solely responsible for any damages to exterior ground lights regardless of cause.
- 15. 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.
- 16. 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.
- 17. Fencing, walls, hedges or shrubs:** 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.