

# **Delray Dunes Association, Inc.**

## **Building and Renovation Manual (DDBRM)**

**(This is an attachment to the Rules and Regulations)**

### **JANUARY 2018**

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# **DDBRM**

*The DECLARATION OF RESTRICTIONS, covering all property in Delray Dunes, provides that a building or structure of any kind shall not be erected or altered until the plans and specifications, location, and plot plan therefore shall have been submitted to and approved by the Association in writing before any construction can begin. It also provides that major landscaping changes must be approved. The information in this document defines the Architectural Review Committee (ARC), defines the responsibility of the Owner, defines the different types of changes (Classification of Changes), and defines what the Owner must do to get approval.*

## **I. ARCHITECTURAL REVIEW COMMITTEE (ARC)**

### **A. Mission Statement**

The mission of the Architectural Review Committee is to protect the existing integrity and beauty of the grounds, homes, and villas of Delray Dunes. This mission includes the review and approval or disapproval of any modifications to the grounds, homes, and villas of the Delray Dunes community, within the established guidelines.

### **B. Standards**

#### **Architectural Standards**

These standards are intended to promote a community that will have a clear identity and sense of place, to meet the needs of the residents, and to provide a pleasing environment for all. They provide direction to property owners as to the key architectural design components of the Delray Dunes community. The goal is to maintain the overall character of the traditional architectural styles currently existing within the Delray Dunes community, and to safeguard views to water features and golf course, etc.

#### **Landscape Standards**

The primary objectives of these standards, as developed, are to reinforce the community's identity, to enhance visual quality, to provide buffering, to provide a homogenous environment for living areas, and to provide a pleasing atmosphere in the Delray Dunes community.

### **C. Authority of the ARC**

**All construction and/or improvements including landscaping in Delray Dunes require the prior approval of the ARC in accordance with the Rules and Regulations.** The Rules and Regulations provide that the ARC implement the criteria and procedures outlined herein through review, approval, or denial of applications to improve property and conduct subsequent inspections during the term of the construction.

### **D. ARC Membership and Procedures**

The Board of Directors of Delray Dunes Association, Inc. shall appoint all members of the ARC. The ARC shall determine its rules of order, meeting dates, locations, submission deadlines, and meeting format (including variations). A majority shall constitute a quorum (either in person or by electronic means) and a simple majority vote of those members present shall be required. The ARC may

accept consultation from non-voting consultants as deemed necessary by the committee for advice on matters that may come before the committee.

#### **E. Responsibilities of the ARC**

1. To review all applications for construction or improvements for compliance with the Building and Renovation Manual (DDBRM) and with the standards established by the ARC.
2. To determine a consistent and high level of standards for design, construction and maintenance, including all exterior alterations, for all properties within Delray Dunes.
3. To monitor community, neighborhood, and home appearance in conjunction with the Landscaping and Beautification Committee and to notify the Board of Directors of violations of the criteria and standards established in the Building and Renovation Manual and the Rules and Regulations.
4. To require revisions (at any time) to construction and improvement items which were overlooked during the review process.
5. To provide recommendations to applicants for bringing denied applications into compliance with this Manual and the ARC standards.
6. To compare plans submitted to the ARC with plans submitted to Palm Beach County Planning and Zoning Board to ensure consistency.
7. To place conditions on **plan approvals** which the ARC deems reasonable and necessary.
8. To assist the Board of Directors in amending the criteria in this Manual and the other design standards of the ARC as may be deemed necessary.
9. To conduct and monitor periodic inspections of all construction activities to ensure compliance with approved plans, or per this Manual and the Rules and Regulations.
10. To maintain a fee schedule for the ARC applications and to initiate amendments as necessary.
11. To keep notes of meetings.

#### **F. Disclaimer of ARC Liability**

Neither the ARC, the Delray Dunes Association, Inc., nor any of their representations, successors or assigns shall be liable in damages to anyone submitting plans for approval, or any Lot Owner, purchaser, visitor, or occupant of any of the Property by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval of any plans or the failure to approve any plans. Any Lot Owner making or causing to be made any proposed improvements or additions on any portion of the Lot or Dwelling Unit agrees and shall be deemed to have agreed, for such Lot Owner, and his heirs, personal representatives, successors and assigns, to hold the ARC, Delray Dunes Association, Inc., any of their representatives, successors or assigns, and all other Lot Owners harmless from any and all liability, damage to the Property, costs and/or expenses, including attorney's fees, arising from or in connection with the construction and installation of any Proposed Improvement. Such Lot Owner shall be solely responsible for the maintenance, repair and insurance of any alteration, modification or change and for assuring that the Proposed Improvement meets with all applicable governmental approvals, rules and regulations.

No approval as provided herein shall be deemed to represent or imply that the **proposed improvement**, if constructed in accordance with the approved plans and specifications, will result in properly designed and constructed improvements

or will meet all applicable building codes, or other governmental requirements, or will be able to obtain governmental permits.

**G. Appeals**

The applicant may appeal any action by the ARC to the DDA Board. The appeal must be in writing and submitted to the Association office, along with any supporting materials, at least two (2) weeks before the next regularly scheduled Board of Directors' meeting.

## **II. Responsibilities of Applicant**

THE APPLICANT AND THOSE RESPONSIBLE FOR PREPARING THE PLANS OR DOCUMENTS TO BE REVIEWED BEAR ALL LIABILITY AND RESPONSIBILITY FOR THE PLANS AND THE FINAL IMPROVEMENTS. The Applicant shall also be responsible for meeting the criteria and standards stated in this Manual and other requirements of the ARC. The Applicant shall also be responsible for ensuring that the submitted package is complete and includes accurate information. The ARC shall neither review nor assume responsibility for the following responsibilities of the Applicant:

1. To comply with all applicable ordinances, rules, regulations, law and policies enacted by any district, local, state, regional, or federal government, or regulating body with jurisdiction over Delray Dunes.
2. To ensure that structural, electrical, mechanical, civil, architectural, or horticultural technical design or health safety, and welfare requirements are met.
3. To determine the conditions of the land (soil, hydrology, geology, or fertility) and its stability or instability.
4. To evaluate the hazard potential due to either location or design of any improvement, whether caused by existing or future conditions either on or off the property being reviewed.
5. To ensure performance and quality of contractor's work.
6. To cure any title defects relating to the property or relating to access to property that is subject to the ARC review.
7. To perform or require the performance of all written or verbal agreements/contracts between the applicant and other parties or homeowners.
8. To secure all applicable governmental approvals and permits.
9. To hire only design professionals registered with the State of Florida Department of Professional Regulation ("DPR").

### **III. DEFINITIONS -- CLASSIFICATION OF CHANGES**

This section defines the classifications of changes. This manual is intended to set forth the requirements and submission procedures for changes depending on the classification.

**A. CHANGES REQUIRING ASSOCIATION APPROVAL: The following changes require Association approval:**

**1. New or Replacement Home Construction**

Such as, but not limited to, construction of new home, razing current (existing) building for new structure (where more than 50% of existing home is affected).

**2. Major Alterations to Existing Home**

Such as, but not limited to, adding a room, pool, or enclosing a screen porch or carport (where less than 50% of the gross floor area of the existing home is affected). Any change in the building footprint is considered a major alteration.

**3. Minor Exterior Alterations to Existing Home**

Such as, but not limited to, non-structural changes of color/style for new doors and windows; exterior color (including repainting); roof replacement; hot tubs solar roof panels; and driveway repainting or replacement with asphalt, bomanite, concrete, or brick pavers; TV satellite dish installation; awnings; hurricane/decorative shutters; alterations to existing screen enclosures, etc.

**4. Landscape Changes**

Landscaping must be approved by the Association. Exempt for the approval process are tree and shrubs replaced by similar-size plantings, annual flower plantings, and minor changes.

**A. CHANGES REQUIRING ASSOCIATION NOTIFICATION: Association approval is not required for the following changes; however, notification is required in order to allow entry into Delray Dunes through the Security Gate. The Owner must complete the form in Attachment D: Notification Of Work to be Performed and Clearance of Subcontractors/Tradesmen.**

**1. Interior Alterations Not Affecting Exterior Appearance**

Such as but not limited to remodeling kitchen or bath, changing size and shape of rooms, etc.

**2. Repairs/Maintenance/Replacement of Items**

Such as, but not limited to, garage doors, roof repairs, soffit repairs, air conditioning systems, exterior doors, decorative shutters and awnings. If this activity involves ***new style, doors, shutters or awnings*** or exterior color changes it would be classified as "Minor Exterior Alterations to Existing Home" above.



#### **IV. CRITERIA & INSTRUCTIONS FOR ALL CLASSIFICATIONS OF CHANGES**

**A.** All plans submitted must be in accordance with the criteria set forth in the Architectural Design Criteria (Attachment A) and the Landscaping Plan (Attachment B). It should be noted that there may have been changes in the Association's building **Criteria** since the original home was built. Any new or subsequent work must follow the guidelines in effect at the time of the request.

**B. Information Pertaining to Permits**

- 1) Work (exterior or interior) must be performed in accordance with permit rules and building code requirements of Palm Beach County. Permits must be applied for within thirty (30) days of obtaining Acceptance of the Final Plans from the Association.
- 2) Palm Beach County Building Permit: Work (including site preparation or delivery of materials) may not commence until plans are approved by the Association in writing and County permits posted. *A copy of the permit shall be provided to the Association office.* All work commenced by an Owner prior to obtaining all pertinent Palm Beach County building permits shall be at the Owner's sole risk and may be subject to fines or legal action.

**C. Construction Deposit and Administrative Fee**

**APPLIES ONLY TO:**

**New or Replacement Home Construction  
Major Alterations to Existing Home**

A construction deposit is required to ensure that approved plans are being followed and that any damage to other property is repaired promptly. An administrative fee as identified for each category will be deducted from the deposit. **A construction deposit shall be due prior to any demolition.**

<u>Admin Fee</u>	<u>Category</u>
\$250	New or Replacement Home Construction
\$250	Major Alterations to Existing Home

An additional fee may be assessed if the ARC determines it is necessary or desirable to confer with outside consultants for plan approval. The remaining balance of the construction deposit will be returned when (1) a letter is submitted to the Association office by the Owner stating that all work has been completed in accordance with their Application and includes a copy of the Certificate of Occupancy issued by Palm Beach County for new homes; or, for additions and renovations, provide a copy of the permit showing the final inspection has been completed, and (2) all work has been completed and has been approved, in writing, by the ARC and the Landscaping/Beautification Committee.

<u>COST OF WORK</u>	<u>DEPOSIT</u>
0 - \$ 5,000	\$ 0 Deposit
\$ 5,001 - \$10,000	\$1,000 Deposit
\$10,001 - \$25,000	\$2,500 Deposit
Over - \$25,000	\$5,000 Deposit

**Construction deposit and administrative fees are determined by the HOA Board of Directors and may be changed from time to time.**

**D. Job Completion Time Limits**

1) All work shall be completed as allowed below:

<u>Classification Of Change</u>	<u>Maximum Time Allowed for Completion</u>
New or Replacement Home Home Construction Including Landscaping	12 months from permit approval
Major Alterations to Existing Home Including Landscaping	9 months from permit approval
Minor Exterior Alterations To Existing Home	2 months from start of work after Association approval
Landscaping Changes	1 month from start of work after Association approval

**THE OWNER/CONTRACTORS' FAILURE TO MEET AN APPROVED COMPLETION EXTENSION DATE MAY RESULT IN THE FORFEITURE OF THE APPLICABLE CONSTRUCTION DEPOSIT AND/OR FINES. DELRAY DUNES ASSOCIATION RESERVES THE RIGHT TO TAKE APPROPRIATE LEGAL ACTION TO EXPEDITE COMPLETION.**

2) **REQUEST FOR EXTENSIONS.** For an extension to the appropriate maximum time stipulated above, the member and contractor must **inform the ARC Committee and request an extension** thirty (30) days in advance of the maximum time allowed to (present application) extension for New, Major and Minor and Interior Alterations; fifteen (15) days for Repairs and Landscaping Changes. This request must be in writing, stating the reason(s) and circumstances surrounding the request, along with the revised date of completion. The above written request for extension will then be presented to the Association Board for their approval at the next scheduled Board of Directors' meeting.

**E. Villa Approval**

The individual Villa Association must approve the plans for any of the above before presentation to Delray Dunes Association (ARC) for final review and approval.

**F. Maintenance of Property**

The property should be maintained at all times and during the application process, the approval process, and the construction phase in a manner consistent with the neighborhood and not unnecessarily take on the appearance of a construction site. Lawns, shrubs, trees, roofs, driveways and post lights should be maintained in a manner consistent with standards set forth in our Rules and Regulations including appropriate irrigation. (See Attachment C for further clarification)

**G. Tradesmen and Construction Workers**

Companies must be registered with the Association office and cleared by the Owner with Security at the gate house to gain entrance to Delray Dunes.  
(See Attachment C for further clarification)

**H. Criteria for Construction Site**

Attachment C provides information on site conditions, access, parking and subcontractors, and compliance.

## **V. APPLICATIONS AND REVIEW PROCESS**

### **A. APPLICATION**

The applications can be found in Attachment D. All submissions must meet the requirements of the DDBRM. The application instructions are provided for your convenience and describe what is required for a complete submission. **No submissions will be accepted unless all of the items required are included. If after three (3) submitted plans are not approved because they do not meet the criteria set forth in the DDBRM, there may be a \$200 resubmission fee, per submission. Fees are determined by the HOA Board of Directors and may be changed from time to time.**

### **B. PRELIMINARY REVIEW**

The Association encourages the Owner to seek a preliminary review from the ARC, particularly for New or Replacement Home Construction or for Major Alterations to existing House. This will prevent unnecessary delays. The information required to get a preliminary review is described in the application instructions.

### **C. APPLICATION/PLAN ACCEPTANCE PROCESS**

The Association will review the completed application to ensure compliance to the DDBRM. The Association also reserves the right to retain outside sources to review the plans; the fee for such will be charged to the Applicant.

**The Association reserves the sole right to accept or reject plans.**

**If a County permit is required: The Association must approve all plans, in writing, before they are submitted to Palm Beach County for permitting; any subsequent changes to Association-approved plans must be re-submitted to the Association.**

The Association, through the ARC and Landscaping/Beautification Committee, will either approve or reject the application within forty-five (45) days of receipt of the COMPLETED requirements.

Following acceptance of the plans, the set of plans will remain in the Association office.

### **D. REQUIREMENTS AFTER PLAN ACCEPTANCE**

1. Copies of Contractors and Sub-Contractors Licenses and Certificates of Insurance must be attached to the Application or be on file in Association office.
2. Copy of County Permit, if required, must be provided to the Association.
3. Start Date of Project, must be provided to the Association.
4. A copy of the Palm Beach County **Certificate of Occupancy, if required by the County, must be provided to the Association.**

### **E. REVIEW OF COMPLETED PROJECT**

The New Construction/Alteration deposit will be returned, less any administration fee and/or other fees, when the completed work has been inspected and approved by the Association.

# **ATTACHMENT A**

## **ARCHITECTURAL DESIGN CRITERIA**

**Architectural design, exterior colors, and roofs should be consistent with those existing in Delray Dunes. This section establishes the criteria required by anyone making any changes to the exterior of the house:**

### **Awnings**

Awnings are allowed but must be submitted to the Association for approval prior to installation.

### **Colors – Exterior**

*All exterior colors (i.e. paint, roof tiles, pavers, etc.) must be approved in writing by the Association using the Color/Finish Schedule. Since there is no such thing as exact color matching, this approval also applies when “re-doing in the same color”. The colors should be consistent with those existing in Delray Dunes. The Association at its sole discretion will determine the acceptance of colors. Color samples (paint chips, roof tiles, etc.) must be submitted with the Final Submission Application using the Color/Finish Schedule. The process for paint color acceptance is:*

- 1) Provide the required information on the Color/Finish Schedule.
- 2) A rendering or diagram showing exactly where the colors will be on the house must be provided.
- 3) A sample of all paint colors intended for the exterior of the house should be painted (or otherwise displayed) on a 3' X 3' section of the exterior (visible from the street) for review by the ARC. This sample should remain for a period of at least two (2) weeks. During that time, neighbors are encouraged to provide their comments to the Board for consideration.

Paint Color Guidelines:

Preferred:

- 1) Neutral colored trim (depending on color of house)
- 2) Medium to pastel or neutral colors are preferred (lighter half of color card spectrum)
- 3) Door-contrasting color
- 4) Garage doors -- conform with trim or color of house and be one color

Discouraged:

- 1) Multiple colors on house
- 2) Deep colors on overall house because they fade
- 3) More than one color on Front door or Garages

### **Color Finish Schedule**

Must accompany all requests for visible exterior colors (Form is found in DDBRM) including trim (doors, shutters, soffits, etc), garage doors, doors, etc.

### **Covered Entrance**

Covered entrances shall correspond to the architectural style of the new or existing home and will be of appropriate scale and proportion. On a covered entry for a two-story building, the ARC shall have the sole discretion to determine the appropriate scale.

## **DESIGN GUIDELINES (General)**

**REQUIRED** - Mandatory compliance for project approval

1. Compliance with the Standard Building Code
2. Compliance with all setbacks and height requirements
3. Compliance with site plan conditions, as currently set
4. Compliance with the house size criteria
5. Adherence to construction time limits
6. Approval in writing, prior to submitting for Palm Beach County building permit
7. Adherence to approved colors

**PREFERRED** - Preferred items are intended to promote the goals of consistency of neighborhood character, consistency of building form and mass, and consistency of colors and materials.

1. Hip or Gable roof
2. Extensive landscaping
3. Shutters, when appropriate to house
4. Stucco, brick or wood as a facade treatment

**DISCOURAGED** - Incorporating discouraged items into a design decreases the probability of project approval and may result in project denial.

1. Half-elevation treatments, either with paint or other building material.
2. Use of more than two colors of paint on the exterior (trim not included)
3. Excessive driveways/parking areas

**PROHIBITED** - These items are not to be permitted and will result in project denial:

1. Detached or stand-alone storage sheds
2. Guest homes or garages not connected to the main residence
3. Log homes
4. Reflective glass visible from the street
5. Overly elegant entry/porte cochere (out of scale with building)
6. Carports, except in villas
7. Vinyl, metal, or aluminum siding
8. Metal and Gambrel roofs on residences
9. Flat roofs over new additions, porches, or renovations
10. Portable or temporary decorative fencing
11. Asphalt shingles
12. Additions to existing flat roof

### **Driveways**

Driveways *must be professionally installed and* must be paved with asphalt, stamped concrete, concrete, or brick pavers. Driveways must not be swaled in order to avoid standing water from sprinklers or rainfall.

### **Elevations**

The slab elevation of the planned house must be noted **and** should not be greater than six (6) inches above the adjacent houses.

### **Fences and Walls**

Open views to lakes and golf course are encouraged when the installation of fences and walls are being constructed. No boundary separation between lots shall be constructed with a height of more than five (5) feet above the ground level of the adjoining property. Fences and walls are permitted on the property line of golf course or lake, provided they

are no higher than four (4) feet above ground level. No home or villa shall be allowed to fence the entire front property line. Front fences will not exceed five (5) feet high and not extend past the exterior walls in front of the home. No wall or fence of any height, shall be constructed or installed, on any lot until after the height, type, and design, shall have been approved by the Association. The height or elevation of any wall or fence shall be measured from the existing property elevations. Questions as to such heights will be resolved by the Association in writing. All fencing, walls, and screen enclosures shall conform to the Palm Beach County Building Codes. Chain link fences are permitted, provided they are completely hedged on both sides and must be green or black in color. Landscaping on the exterior side of a chain link fence must be maintainable within the property line of the property owner installing the fence. A current survey must be submitted with Application to assure proper location of fences and walls. (Refer to Attachment B. Landscape Design Criteria).

No solid fences are to be installed in the Dunes.

Fences, walls and shrubs installed on the east side (back of the home) on Dunes Road that abut any neighboring property outside the Delray Dunes subdivision shall have no height limit for a hedge wall or fence. An Application for the fence, wall or shrub must be submitted to the HOA for approval prior to installation.

All gates: An Application must be submitted to the HOA for approval before any gate is installed in the Dunes.

Portable or temporary decorative fencing is not permitted (unless it is required during pool construction or for safety reasons).

Air conditioners, garbage receptacles, generators, pool equipment and heaters, irrigation and equipment pump, flower pots, etc., must be hidden from view on at least three (3) sides by enclosures or hedges.

### **Garage Requirements**

No garage or carport shall be erected which is separate from the main residence.

Each home shall include a fully enclosed garage of sufficient size to accommodate a minimum of two (2) full-size automobiles. Each Villa shall include either a one car garage or a carport. Converting existing garage to living space does not preclude the requirement for a two-car garage. *The color shall be approved in writing prior to painting (See Colors - Exterior)*

### **Hurricane Shutters (See Storm Shutters)**

#### **Mailbox and Post**

Private homes must have a mailbox with a street number 1" size on both sides. It is strongly recommended that you also include the name on the mailbox. The size of lettering should be the same for number and name. The style of box and post must be consistent with those in Delray Dunes. It is recommended that Members use the Association's recommended and/or box, available for purchase through the HOA office. If a new style of box and post not generally used is desired, it must be approved by the Association prior to installation. Novelty mailboxes are prohibited. The post should be set in concrete. Installation of box and post must be at a height required by the Post Office.

## **Pools**

Above-ground pools are prohibited. Prior to installation, outside hot tubs must be approved by the Association and must be screened from view.

## **Pool Screen Enclosure**

Pool screen enclosure should be in keeping with the roof line of the house. New or replacement enclosure must be of the mansard style and dark bronze or white in color. Permanent foundation planting is required on all sides of pool screen enclosures.

## **Post Light**

At least one post light (white bulb only) with automatic dusk-to-dawn cell must be installed in the front of each home. Electronic timers are not allowed. The style of light fixture and post must be consistent with those existing in Delray Dunes. If a new style of light and post is desired, it must be approved by the Association prior to installation.

## **Propane Tanks**

All permanent propane tanks must be buried in the ground.

**Razing Existing Home Prior To Construction of New Home** Prior to razing the current home, a demolition plan must be approved by the ARC in writing before submission to Palm Beach County for a permit. When the permit is issued, a copy must be provided to the Association office and posted on the site in a visible place.

Prior to demolition, a six (6) foot chain link fence (with black or green fabric for screening) must be installed on both sides and rear of the property. The front section of the six (6) foot chain link must be installed within ten (10) days after demolition ends.

## **Roofs**

Roofs are a major visual element and should be carefully considered as to proportion, texture, color, and compatibility with both the house style and neighboring buildings. Similarities in roof types create a visual continuity in the streetscape and neighborhood.

Roof material may be cement tile, cedar shingle, or slate. Metal roofs and Gambrel roofs are not permitted. Shed-type roofs are discouraged. *The color shall be approved in writing prior to painting (see: Colors - Exterior)*

A minimum roof overhang of two (2) feet is required, and a level soffit return is recommended.

On one-story homes, the preferred roof styles are Hip or Gable roofs with a minimum roof pitch of at least 5-1/2:12. This roof structure should be extended over open or screened porches or other enclosures within the footprint of the building.

On a two-story home, the preferred roof style is a Hip type, with a minimum roof pitch of at least 4-1/2:12.

All existing flat roofs are currently grandfathered. Any request to add a flat roof over a new addition or alteration will not be granted. The new roof addition will be a full hip or gable to match the existing roof.

The desired roof overhang is two (2) feet with a level soffit return. Roof additions shall match the existing overhang and soffit.



Exposed gutters and downspouts will be painted to match the adjacent roof, soffit, wall, or trim material.

Flashing, vent stacks, and pipes are to be painted to match the adjacent building surface.

**Setback Requirements (Minimum)**

*One-Story Home*

- Basic - Front 25' Rear 15' Sides 10'
- Slab for Patio - 7 ½' from side and rear lot line
- Pool enclosures - 7 ½' from side and rear lot line
- Pool coping - 10 ½' from side and rear lot line
- Corner lots - 25' setback from front and side street lot line

*Two-Story Home*

Same as one-story home except that second story sides must be set back an additional five (5) feet from the first floor sidewalls

Side setbacks for both one-story or two-story homes are to be increased by any amount that the eaves or roof overhangs exceed two (2) feet.

The term lot is intended to cover the usual 100-foot building site. Irregular building sites will be subject to special review.

**Size of Residence as Determined by Coverage Factor**

The Coverage Factor is the relationship between a building's first floor area and the area of the lot that it sits on. If a building is 3,000 s.f. and sits on a 10,000 s.f. lot, the Coverage Factor is .30. For this purpose, floor area is any space that has a solid roof over it; therefore, all enclosed space, roofed patios, covered balconies, carports, portes cochere, etc. (excluding eaves), are included. Space with a ceiling higher than fifteen (15) feet is counted as double square footage, with one-half (1/2) applied to the first floor and one-half (1/2) applied to the second floor. Measurement is from outside wall to outside wall. The size of allowed buildable second floor space is determined by the size of the first floor -- see below. This direct relationship between lot size and buildable area results in the ability to build bigger homes on bigger lots. However, to avoid unnecessarily and inappropriately large homes on large lots (and lots that may be created by combination), the Coverage Factor formula has a step-down component applicable to larger lots. This maintains the ability to build larger homes on larger lots, while recognizing that the relationship to the scale of the existing neighborhood is an important community character concern.

Lot sizes in Delray Dunes vary from 10,000 s.f. to approximately 25,000 s.f.

Maximum Coverage Factor: Effective Lot Area Up to 10,000 s.f. .37  
Portions Over 10,000 s.f. .25

Example: 13,500 s.f. lot      First 10,000 s.f. X .37 = 3,700 s.f.  
   Next 3,500 s.f. X .25 = 875 s.f.  
   Total Allowable S.F.      4,575 s.f.

Two-Story Construction: Allowable second floor space derives from a formula calculated against the actual floor space on the first floor, with a Premium square footage

calculated as the difference between the Maximum Allowed first floor area (based on the Coverage Factor) and the Actual first floor area built.

Allowed Second Floor: 30% of the first floor built PLUS the Premium s.f.  
The resulting second-floor s.f. may not exceed 70% of the first floor s.f.  
All second-floor space with a clear ceiling height in excess of six (6) feet is included. (Other than mechanical space)  
Any expansion of the first floor as part of the construction becomes included in the base for the above calculation.

Example: 13,500 s.f. lot	Maximum Allowable s.f. first floor	4,575 s.f.
	Actual first floor s.f. built	<u>4,000</u> s.f.
	Premium s.f.	<u>575</u> s.f.

Allowable 2 <sup>nd</sup> Flr: 30% of built 1 <sup>st</sup> FL	1,200 s.f.
Plus; Premium s.f.	<u>575</u> s.f.
Total Allowed Second Floor	1,775 s.f.

1,775 s.f. is less than 70% of built 1<sup>st</sup> Floor

### **Size of Residence by Height**

Maximum building height from slab to top of the ridge beam is thirty-five (35) feet. This height excludes all chimneys, which may not extend more than four (4) feet above the ridge beam. There may be no construction with more than two habitable floors.

### **Slab Elevations of New or Replacement Homes**

Must be noted on the plans and survey, and should not be greater than six (6) inches above the adjacent houses.

### **Solar Roof Panels**

Roof-mounted solar panels must be approved in advance, in writing, by the ARC.

Roof-mounted solar panels for hot water heaters and pool heaters must be installed on the rear roof elevation so they are the least visible from abutting properties. The roof-mounted equipment should not be visible from the street.

### **Storm Shutters**

Hurricane and storm shutters are permitted for protection of a Home or Villa. Prior to installation, all permanent storm shutter requests must be submitted to the Association for approval. Existing metal shutters must be painted to coordinate with the Home or Villa as approved by the Association, and in accordance with applicable guidelines and standards adopted by the Board of Directors from time to time. Homeowners may close or install shutters that meet the above stated requirement when leaving the area for extended periods of time as approved by the Association. All shutters are to be opened or removed no later than seven (7) days after Hurricane Season ends. Temporary panels (plywood or unpainted corrugated metal shutters) may only be installed during the threat (watch or warning) of a storm or hurricane and must be removed no later than seven (7) days after the storm or hurricane threat has passed unless there is significant storm damage that warrants an exception.

## **Television**

All homes will be wired for cable TV, with service to be provided through Delray Dunes, Inc. (See Rules and Regulations, Television for complete information governing television (i.e., cable, antennae, satellite dishes, etc.).

## **Water and Sewer Service**

Provided by the Village of Golf

## **Water-front Properties**

The lakes, the waters edge, the banks, and the first several feet of the embankment (i.e., the lawn areas) are owned by the Association under the original Subdivision dated in 1969.

The exact amount of lake embankment owned by the Association varies throughout the individual house and villa areas, and is precisely determined only by survey measurement. However, in general, it is at least the first ten (10) feet of land.

Therefore, care is required in any case where the Owner is considering new or replacement home construction that extends towards the waters edge (including but not limited to the construction of a pool or patio area). Consistent with other sections of these guidelines, prior approval of any such construction must be obtained from the Association.

As Owner of the lakefronts and embankments, the Association is interested in maintaining a consistency of quality, appearance and style throughout the Community. The Association shall be responsible for maintaining, repairing and replacing the lakes and all water management tracts located within the Property that are dedicated to the Association by any plat or other recorded instrument. This includes maintenance, repairs or replacements of all lake banks and any maintenance or repair necessary as a result of lake bank erosion if not caused by the homeowner. Notwithstanding the foregoing, a Home or Villa Owner whose property abuts any lake or other water management tract, shall be responsible for the day-to-day upkeep and maintenance of the lawns and landscaping located in between the Lot line and the water's edge abutting any such Lot. Such maintenance shall include, but shall not be limited to, routine irrigation, trimming, mowing, edging, fertilizing and daily upkeep of all landscaping, lawns, sod and other greenery located in between the Lot line and the high water's edge. Notwithstanding the foregoing, nothing in this Declaration shall obligate any Home or Villa Owner to maintain any portion of the Delray Dunes property owned by the Country Club.

In general, there may be some gradual abrading or erosion of lake banks by natural causes (wind and water) over long periods of time. These are monitored by the Association. In certain cases, there may be localized areas of deeper erosion or bank collapse which endanger abutting embankments and/or detract from the aesthetics of the area. In these instances, the Association (acting alone) will take steps necessary to correct the situation consistent with the Association's own guidelines and budgets. In each such case, it will be determined whether the unusual erosion is caused by any contribution from any abutting Owners (e.g., a roof downspout drain exiting directly on the top of the embankment), in which case a repair cost-sharing arrangement will be determined.

In areas where the bank drop-off is particularly steep, Owners are requested to ensure that heavy landscaping or construction equipment does not drive along the top edge of said banks.

### **Wells for Lawn Sprinkling**

A well must be provided for the irrigation of all landscaping on the property. The system will be controlled by an electronic time clock. Well water contains minerals that stain the home, sidewalk, and driveway. Therefore, every effort should be made to set the sprinkler heads to minimize this situation. A rain sensor must be installed as required by local Code. Pumping water from any lake or canal is prohibited.

### **Window Tinting**

Window tinting is allowed, using only one of the following two (2) film colors: Vista #28 -- Gray - 65% heat reduction; 75% fade protection; Vista #38 -- Gray - 56% heat reduction; 73% fade protection. These colors correspond to local supplier specifications. The owner may use the supplier of choice; however, the color of window tinting to be installed must match one of those listed above.

### **Windows**

Windows not only provide light and ventilation but also add to the aesthetics of a building, by creating rhythm, proportion, distinction, and articulation. Certain styles of windows correspond to specific types of architecture. The windows should reflect the architectural style of the home. The use of mutins to divide glass into unified sections, as opposed to large expansive panes of glass, is preferred.

Reflective glass (mirror type), extensive use of glass block, floor-to-ceiling windows greater than one story, and bay or bow windows as a prominent or repetitive element will not be approved.

### **Window Treatments - Exterior**

Decorative exterior shutters are preferred on all windows and may be of the fixed type or operable type. A raised decorative stucco band of appropriate width and depth around each window may be used in lieu of shutters. All exterior window treatments, regardless of type proposed for use, must be approved by the ARC.

# **ATTACHMENT B**

## **LANDSCAPING DESIGN CRITERIA**

### **A. PURPOSE**

Extensive landscaping is encouraged and greatly enhances the overall ambiance of Delray Dunes. This section establishes landscape design standards, installation standards, landscape plan requirements, prohibited species and irrigation requirements. The maintenance of such is discussed in the Rules and Regulations. Designs must be prepared by a Landscape Architect with registration through the State of Florida Department of Professional Regulation or in accordance with Florida Statute, a Nurseryman, Nursery Stock Dealer, or Agent registered under F.S. Chapter 581 may prepare planting plans for a single family residential unit.

### **B. LANDSCAPE DESIGN STANDARDS**

1. **Permanent Foundation Screening:** Required on all four (4) elevations (including pool screen enclosures, concrete patios, and fences around the pool). Plantings are not required on decorative perimeter fences.
2. **Equipment Screening:** Air conditioners, garbage receptacles, pool pumps, generators, empty flower pots, etc., must be hidden from view by enclosures or hedges.
3. **Hedges, Fences and Walls:** No home or villa shall be allowed to fence the entire front property line. Front fences will not exceed five (5) feet high and not extend past the exterior walls in front of the home. No wall, hedge or fence of any height shall be constructed or installed until after the height, type and design are approved by the Association.

Hedges must be no higher than four (4) feet on golf course and waterfront. No boundary hedge between lots shall be allowed over ten (10) feet except if it is a subdivision boundary hedge, wall or fence separating Delray Dunes from any neighboring property outside the Delray Dunes subdivision. There shall be no height limit on any such subdivision boundary hedge, wall or fence.

Hedges shall be a minimum of two (2) feet in height when measured immediately after planting. Screening hedges where required shall be planted and maintained so as to form a continuous, unbroken, solid visual screen within a maximum of one (1) year after planting. To this end, shrubs shall be spaced a maximum of two (2) feet, center to center, unless plants are exceptionally full, in which case the shrubs shall be permitted to be planted up to a maximum of thirty (30) inches, center to center, provided the branches are touching at the time of planting.

4. **Encroachment:** In planting hedges and trees, care as to placement should be given so that at maturity the branches do not intrude on the neighbor's lot or any paved area.
5. **Trees:** Shall be a species having an average mature spread of crown greater than twenty (20) feet and having trunks which can be maintained in a clean condition with over six (6) feet of clear mature wood. Trees having an average mature spread of crown less than twenty (20) feet may be substituted by grouping the

same so as to create the equivalent of a twenty (20) foot spread. Tree species shall be a minimum of twelve (12) feet in overall height at the time of planting, with a minimum of four (4) feet of single straight trunk with six (6) feet of clear trunk, and a six (6) foot spread of canopy. Tree heights for 2-story homes must be in proportion to the overall height and mass of the structure. Up to one-half of the required trees, but at least a minimum of two (2) trees for single family lots and one (1) tree for villa lots must be in front of the home.

6. **Special Purpose Plantings:** Such as vegetable or herb gardens should be completely screened from view and should not be visible from the street, golf course, or neighbors.
7. **Ratio of Grass to Plantings:** A minimum of 30% and a maximum of 70% of the pervious lot area shall be planted in shrubs and ground covers. (See Landscape Calculation Form)
8. **Ground Covers:** Ground covers used in lieu of grass, in whole or part shall be planted at such spacing to present a finished appearance and reasonably complete coverage within six (6) months after planting. All ground cover areas must be kept free from weeds.
9. **Number of Shade Trees Required:** Minimum of one (1) tree for every 2,500 square foot of lot area. (See Landscape Calculation Form).
10. **Palm Trees:** Shall be considered trees. Palms considered susceptible to lethal yellowing by the Florida Department of Agriculture shall not be used to fulfill the requirements of the Number of Shade Trees Required. Palm species which do not have a mature spread of crown of at least fifteen (15) feet shall be grouped in threes, and three (3) palms shall equal one (1) shade tree. Palms must have an overall height of a minimum of twelve (12) feet and a minimum of six (6) feet of clear trunk at the time of planting. Coconut Palms and Royal Palms may be credited on a one-for-one basis with shade trees.
11. **Tree Selection Adjacent to or Within Utility Easements:** Trees shall not be planted within ten (10) feet of any underground utilities. Trees shall have non-invasive growth habits which will not interfere with underground utilities.
12. **Road Right-of-Way:** Delray Dunes was laid out with an eighty (80) foot right-of-way on Dunes Road, and a sixty (60) foot right-of-way for all other roads, which right-of-way is owned by the Association. The actual roadbed is only twenty (20) feet, which means that (with minor exceptions) the Association owns the first thirty (30) feet on Dunes Road and twenty (20) feet on all other road of land on each side of the road (which land is to be maintained by each respective Owner). In this setback, the Association has granted permission to utility and cable companies, etc., and said space may be entered without requiring permission of the abutting Owner. However, it is the responsibility of the hedge Owner to install lawns and irrigation systems to the pavement and to maintain this area. Special permission from the Association is required to plant anything other than grass within this area. This arrangement does not apply to the interior roads in the villa complexes.
13. **All Other Lot Areas Not Covered By Driveways or Structures** shall be planted with lawn grass, ground cover or other approved landscape materials.

### **C. INSTALLATION STANDARDS**

1. All landscaping shall be installed in a sound, professional, workmanlike manner. Plants may only be staged for planting into the ground no longer than three (3) days. Otherwise, they should be hidden from view until planted.
2. All plant materials used shall conform to the Standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants" Part I, 1963 and Part II, State of Florida Department of Agriculture, Tallahassee, or the most current revised edition.
3. All Sod shall be Florida Premium grade St. Augustine (Floritam, FX-10, Seville or Palmetto varieties), Tifton, Bermuda, or Zoysia. Sod shall cover all pervious areas not covered in shrub/groundcover bed mulch and shall extend to all roadways and to all property lines not adjacent to road rights-of-way.
4. Dead or damaged plant material shall be removed within ten (10) calendar days of notification.

### **D. PROHIBITED SPECIES**

1. The following are **prohibited** by Palm Beach County: Melaleuca, Brazilian Pepper (Florida Holly), Australian Pine, and Earleaf Acacia Tree. *ALL PROHIBITED PLANT SPECIES SHALL BE ERADICATED FROM THE SITE.*
2. The following are **prohibited** by Delray Dunes due to the danger and damage they cause: Norfolk Island Pine (hurricane danger), Sago Palm (disease-prone), Ficus (hurricane danger), Black Olive (hurricane danger).

### **E. IRRIGATION DESIGN STANDARDS**

1. All landscaping areas shall be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained.
2. A rain-sensing device which will override the irrigation cycle of the system when adequate rainfall has occurred must be installed.
3. Water must be provided from a well and provision made to prevent rust or other staining of the home or paved areas.
4. Controllers must have the capability to skip days and to control the hour and the duration of sprinkling.
5. Above-ground risers are not permitted in lawn areas.
6. The use of low trajectory spray nozzles is encouraged in order to reduce the effect of wind velocity on the spray system.
7. Rear-yard irrigation heads shall overlap thirty-five (35) feet into open space, lake banks, or golf course.

# **ATTACHMENT C**

## **CONSTRUCTION SITE CRITERIA**

### **A. SITE CONDITIONS**

1. All construction sites **shall be maintained** in a neat, safe, and orderly condition with minimal dust and pollution generated. Weeds may not be allowed to grow higher than six (6) inches. Trees and bushes must be kept trimmed, lawns mowed and irrigations systems maintained to the best of the owner's ability.
2. Mud or loose concrete must be removed from the street IMMEDIATELY.
3. Damage to adjacent property must be repaired IMMEDIATELY.
4. Construction activity shall only occur during the **days and times** specified:
  - a. Nov 1 through April 30: 7:30 a.m. to 5:30 p.m. M-F
  - b. May 1 through Oct 31: 7:30 a.m. to 6:30 p.m. M-F
  - c. Saturday: 8:00 a.m. to 1:00 p.m.
  - d. Work or construction deliveries will not be allowed on: Sunday, New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.
5. **No stockpiling of trash or debris** is allowed in a yard fronting on a street, or other property including golf course and streets. All daily stockpiled debris must be placed in the dumpster at the end of each workday.
6. The Owner or Contractor shall verbally notify the Association and Security within 30 minutes of an **accident** or of cutting any utility lines.
7. Vehicle operators shall clean up and report any spillage from their vehicles. No concrete truck washout may be done on any street or into any storm drain, canal or lake.
8. Any **damage to common facilities and roads** will be repaired by the Delray Dunes Association and the cost for such repair deducted from the construction deposit or billed to the Owner.
9. **For New or Replacement Home Construction or Major (50% or more):** A six-foot chain link fence must be installed on all sides of the property. The chain link fence must be covered with a black or green fabric for screening and maintained until the job is complete.

**Demolition:** Prior to demolition, a six (6) foot chain link fence, with black or green fabric for screening, must be installed on both sides and rear of the property. The front section of the six (6) foot chain link must be installed within ten (10) days after demolition ends.

If construction is not immediate, the lot must be grassed and maintained in lieu of the fence.

The fence shall remain erected from the time initial of staking until the sod is placed. If the Owner fails to erect and maintain this fence, Delray Dunes Association will perform the work and charge the Owner's deposit at two times the Association's cost.

10. **No signs** are allowed on the premise at any time. During construction a sign may be displayed on the site showing the address and/or the lot number and be clearly legible from the street. The only type of signs permitted are a commercially manufactured "permit box", white in color on a wooden post, or an 18" X 18" wooden sign painted white and mounted on a wooden post. The sign



must be removed within seven (7) days of completion. No contractor or other business advertising signs are permitted.

11. **Portable toilets** may be installed (required for new construction), but care should be taken to locate them so as to face the inside of the property under construction, with the door not facing the street or golf course. They should be a minimum of thirty-five (35) feet from the street and shielded from view with plywood painted dark green.
12. **Dumpsters** must be used to contain all refuse, discarded materials, and debris; to be emptied when level with the sides of the container (serviced only Monday through Friday). They must be available when construction begins. Each dumpster must be covered at the end of each day in such a way as to minimize debris being dispensed by windy conditions. Suggested methods are canvas tarps or mesh netting both of which must be firmly affixed to the dumpster when installed. When dumpsters are no longer required, they are to be removed promptly.
13. **Construction Inspection:** The Association has the right to enter upon the property for the purposes of inspections, as it deems necessary.

## **B. ACCESS, PARKING, and SECURITY**

1. Each Owner shall furnish a list to the Association of all consultants, contractors, and subcontractors who are permitted to enter Delray Dunes.
2. Construction vehicles or contractors' vehicles shall not be parked at night in Delray Dunes.
3. No loud music, washing of vehicles, exceeding speed limits, or alcoholic beverages are allowed in Delray Dunes prior to, during, or after construction activity and may be subject to fines.
4. All contractors, subcontractors, employees and consultants must stay off the golf course property and are not permitted to fish in lakes or canals.
5. No children, pets, friends, and/or relatives of workers are allowed on the lot under construction.
6. Delivery trucks and tradesmen vehicles must not be parked on adjacent property; contractor must confer with Security on these matters.
7. The posted speed limit is 25 mph. Any contractor, subcontractor, material supplier, employee or other person involved in the construction activity on the lot who fails to obey the speed limit may not be allowed entrance into Delray Dunes

## **C. COMPLIANCE**

Any contractor, subcontractor, material supplier, employee or other person involved in the construction activity on the lot who fails to comply with this Manual or any other requirements may cause:

1. A \$500.00 charge per infraction may be apply
2. Suspension from entrance to Delray Dunes
3. Use of the construction deposit to remedy the problem as determined by the Association.

## **D. VEHICLE SEARCHES**

The Association reserves the right to search vehicles at any time in Delray Dunes.

## **E. HURRICANE PREPARATION**

When the National Weather Service issues a hurricane warning, the Contractor or Owner shall secure all loose material (including the removal or emptying of dumpster or POD) on the job that might be blown by hurricane-force winds. After such notification, the work must be completed within 8 working hours. Failure to secure

materials as above gives the Association the right to enter the property to secure or remove any material which in its opinion may become dangerous. Such entering and securing or removing of material shall not be deemed to be trespass on the part of the Association. Cost of such work on the part of the Association is the responsibility of the Owner and will be deducted from the deposit.