Rainberry Bay Architectural Control Board/Architectural Control Committee Rules for Architectural and Landscaping Changes 4-9-2025

These ACB/ACC Rules are referenced by and supplement the Rainberry Bay Master Association, Inc. Rules and Regulations the most recent release.

1.1. The Architectural Control Board (ACB)/Architectural Control Committee (ACC) processes all requests for architectural and landscaping changes as defined in the Rainberry Bay Rules and Regulations and these ACB/ACC Rules. The authority for ACB/ACC decisions derives from the Rainberry Bay Master Association Declaration.

2. Architectural Change Rules

2.1. No additions to the sides of any patio home (zero-lot line unit) will be allowed that do not conform to the Building Codes and Ordinances of the City of Delray Beach. The allowable distance from a neighbors wall, ten to fifteen feet (10-15') will be determined by the type of roof and enclosure such as screen roof, hard roof or screen enclosure. Sliding glass doors, sliding glass windows, or plastic sliders, must all conform to these ACB/ACC requirements and City requirements. **NOTE: See section 5. below**.

2.2. The original setbacks of single family and patio homes shall be maintained and the existing look of the development will be kept the same. Additions to the sides and rear of buildings shall be allowed if the additions conform to these ACB/ACC requirements and City requirements. Any roof addition needed for these extensions must agree and conform with original roof lines, including crickets and valleys, color and pitch. Any add-on roof will become the responsibility of the homeowner to maintain. **NOTE: See section 5. below**

2.3. Any screen enclosure of front entranceways must conform to the original front of the building. These screened units cannot extend beyond the existing columns or corner of the building. No other additions to the front of any single family or patio home shall be allowed.

2.4. No changes in driveways or sidewalks will be allowed without ACB/ACC approval. If a driveway is widened or altered or if an entry walk is painted or tiled or if a driveway is painted, and/or a concrete driveway is widened, then maintenance to all of the above becomes the responsibility of the homeowner. Driveways and entry walks may be painted to blend with the color the house is painted but only with ACB/ACC approval. Records of the ACB/ACC approval must be placed in the homeowner's file in the management office before work is begun.

2.5. Any changes to entranceways or patio areas to villa quad units will be allowed as long as these additions are confined to the existing concrete pad. Any new roof added must adhere to the present roofline and compliment the original roof of the structure. **NOTE: See section 5. below.** It is important that where two unit's patios are side by side these roof additions must be similar in appearance, that is to say that the two adjacent roofs must be compatible as to pitch and points of attachment, etc. If a hard roof or screen roof is attached to the fascia board and it becomes necessary to remove these add-ons to replace a rotted fascia board, it shall be

the homeowner's responsibility to remove the above-mentioned additions for the replacement of the fascia board and attachment of same. All new additions shall be painted to match the existing color of the building. In the straight-line villas ("tennis villas") any enclosure or room at the rear of a unit must not extend beyond the Owner's property line. These additions must have at least an eighteen-inch (18") clear area on each side between adjacent units; that is, wall or screen or glass doors must have clearance between walls for safety. Any roof add-ons are the responsibility of the homeowner.

2.6. Any work that would potentially interfere with the existing irrigation coverage (such as, but not limited to, a new patio or walkway, an enlarged driveway, in-ground or other permanent swimming pools or spas or hot tubs, or landscape work) will not be approved and shall not be performed until the owner has signed the Irrigation Report Form, agreed to its terms, submitted that form to the ACB/ACC.

2.7. Any sprinkler heads or irrigation lines that have to be relocated will be done ONLY by the on-site Rainberry Bay irrigation contractor.

2.8. If, during any approved landscaping project, damage is done by the homeowner or their vendor to any part of the irrigation system, the cost of that damage will be the responsibility of the homeowner.

2.9. Any added structural changes of roofs must conform to the present line of the existing building. The color of new shingles must be as close as possible to the present color and type. New roof additions are the responsibility of the homeowner. This responsibility also includes crickets, valleys, flashing, roof edges, etc. When the original roof of a unit is to be replaced, any extra costs due to a homeowner-installed addition (i.e., crickets, valleys, skylights, etc.), will be charged to the homeowner. For any incursion to the original roof such as, but not limited to, **skylights**, exhaust fans, air vents, **solar panels**, burglar alarms or any other roof opening made by a homeowner for the above or any type of roof installation, the area around such openings become the responsibility of the homeowner to maintain. **NOTE: See section 5. below** None of the above can be done without ACB/ACC approval. Any leaks or interior damage caused by the above are the homeowner's responsibility. Any gutters or downspouts installed by the homeowner becomes the homeowner's responsibility. If a fascia board rots out behind a gutter and the gutter has to be removed, it is the homeowner's responsibility to do so. The Association will replace the board; but the gutter, if not damaged, must be reinstalled by the homeowner. It will be the homeowner's responsibility if damage occurs to any roof or fascia where a new addition has been tied in. <u>For Villas, if the gutters/downspouts are damaged during a re-roofing, necessary replacements will be reinstalled by the Villas' HOA.</u>

2.10. Any new additions to existing units must be painted in the same color as the original building. No change in the present color of units assigned by the Homeowner's Association is allowed per the Rainberry Bay Master Association Declaration. This also refers to all trim colors, fences, etc. Replacement garage doors and entrance-way doors with factory applied finish color that is warranted for extended life shall be of a standard color that is available from the manufacturer of the door and that is a compatible with the exterior walls or trim of the house and the approved house colors at the time the door is installed. The proposed colors of the door(s) shall be approved by the ACB/ACC. Replacement garage doors and entrance-way doors that are not factory finished shall be painted the approved door color. Replacement windows and sliding glass doors shall have all exterior parts (frame, sash, mullion and screen frames) the same color

as the original windows and sliding glass doors unless a different color that is compatible with the exterior walls or trim of the house and the approved house colors at the time the door(s) or window(s) are installed is approved by the ACB/ACC.

2.11. Fences

2.11.1. A “new” fence is defined to mean where no fence had already existed.

2.11.2. A “replaced” fence is defined to mean any fence replacing an already existing fence whether Developer installed or association replaced, no matter the condition of the already existing fence.

2.11.3. Any new or replacement fence installed by an owner becomes the homeowner’s responsibility to be painted at installation with the approved fence color for the house and becomes the present or future homeowner’s responsibility to maintain including repairs and painting.

2.11.4. If a resident installs a fence without prior approval of the ACB/ACC, the fence may be removed by the Rainberry Bay staff at the expense of the resident, after proper notice given, until ACB/ACC approval is granted.

2.11.5. Changes in fences may be done only with the approval of the ACB. Any homeowner who wants the present fence removed or changed must fill out and submit an ACB/ACC request form. These fences will continue to remain the responsibility of the homeowner and subsequent homeowners.

2.11.6. The fences originally installed by the developer, including any such replacement thereof, are the responsibility of the Association as regards maintenance and painting. If a homeowner wishes to have an original fence removed, as may be the case in villa and patio homes, then the Association will bear the cost.

2.11.7. No fence, wall or other structure shall be erected in the front yard, backyard or side yard setback areas, except as originally installed by the Developer or except as approved by the ACB/ACC as provided above. Installation of any fence, wall, or other structure, as noted above, must be approved by the ACB/ACC prior to the homeowner seeking and obtaining a permit from the City of Delray Beach.

2.11.8. New and replaced fences shall be of the “standard” Rainberry Bay design being of the “straight wooden shadowbox” type not more than 72 inches high with 4x4 -inch posts, 2x4-inch backer boards, 1x6-inch wide vertical boards with maximum 4 inch spacing between boards, and maximum of 3-inch clearance from the grade to the bottom of the vertical boards. Partial replacement or repair of any fence shall match the retained sections.

2.12. If any addition or change has been made by the homeowner without the approval of the ACB/ACC and the City of Delray Beach, it is subject to removal at the homeowner's expense and fines may be levied until the violation is corrected. This also would apply to unapproved color changes and any other changes to the exterior of a unit.

2.13. To preserve the appearance of the community the following regulations govern the use of protective shutters, bars or grilles.

2.13.1. Accordion and self-storing shutters, and hurricane-rated shutters, may be installed

on all windows, sliding glass doors and patios. Permission is needed from the ACB/ACC for such installation. **NOTE: See section 5. below** Colors shall be compatible with the exterior color of the walls or trim of the house.

2.13.2. Removable protective panels made of corrugated steel, aluminum, or plastic, which can be seen from the street or neighboring homes may be used only during hurricane season. These must be removed when the season is over. These restrictions do not apply to installations of clear plastic panels or those that cannot be seen from the street or neighboring homes and to panels covering the ground floor sliding glass doors of villa and patio homes. Steel or aluminum panels shall be of a color compatible with the exterior color of the walls or trim of the house and must be approved by the ACB/ACC.

2.13.3. Neither bars nor grilles of any type, shape or size shall be permitted to be affixed to the exterior of any window.

2.14. Nothing contained herein shall obligate Rainberry Bay to make repairs or replacements of improvements damaged by fire, windstorm, hail, hurricane, tornado or other casualty or the neglect of the homeowner.

3. Landscaping

3.1. The ACB/ACC is also required to ensure that landscaping of individual properties enhances the overall community and meets standards set by Rainberry Bay and the City of Delray Beach. The authority for ACB/ACC decisions derives from the Rainberry Bay Master Association Declaration.

3.2. Plantings:

All changes to landscape plantings in lawn areas must be approved by the ACB/ACC. A sketch or photograph of the original area and a sketch of the proposed change must accompany the application and no work is to commence until written approval is granted. These changes i.e., trees, flowers etc., become the homeowner's responsibility to maintain. No plantings of any type shall be installed that prevent sprinklers from covering areas.

Excavation of any kind or any landscape change that would interfere with the existing irrigation coverage will not be approved and shall not be performed until the owner has signed the Irrigation Report form, agreed to its terms and submitted that form to the ACB/ACC.

Any installations or their roots that block repairs to sprinklers, underground lines (feeder line replacement, sewer lines, and drainage lines) may be removed at the homeowner's expense in order to make such repairs. Care should therefore be taken, at time of planting, not to block road and utility easements and/or sprinkler heads. No plantings shall be allowed to encroach on adjacent properties. In addition, plantings must be at least two feet from perimeter Ficus or other hedges to allow for maintenance and mowing. Any plant materials planted in violations of these rules and/or neglected, causing problems of health or maintenance may be removed at the homeowner's expense after proper notification. Absent owners not making provisions for maintenance of their shrubs and or trees shall be billed for cleanup if their plantings become overgrown and unsightly.

No unapproved plantings or landscaping in the common property shall be allowed. Any such unapproved changes will be removed.

3.3. Trees:

3.3.1. Any tree planted by the homeowner that becomes a hazard or a nuisance, or is overgrown and encroaches on a neighbor's property, may be trimmed or cut down and removed at the expense of the homeowner after proper notification. All trees planted by the homeowner must be trimmed by the homeowner so as not to present a hazard in hurricane emergencies. Trees planted in violation of above guidelines and without approval may be removed at the homeowner's expense if the violation is not corrected. Shade trees are to be planted no closer than thirty (30') feet apart. Every tree or shrub must have a circle of at least thirty (30") inches in diameter around it to prevent damage from lawn mowers and whips. All plantings should allow at least four (4') feet access for mowing equipment.

3.3.2. For insurance, safety and ecological reasons the following trees or plants may not be planted in Rainberry Bay: fruit trees, Black Olive, Acacia, Ficus, Rubber and Melaleucas of any variety, Coconut Palms and Spanish Bayonets or any other large thorny plant that may present a hazard. It is the responsibility of the homeowner to remove dropped fruit. In addition, species of plants that are prohibited by the City of Delray Beach Landscape Regulations shall not be planted in Rainberry Bay.

3.3.3. No non-diseased or largely undamaged tree may be removed without an approved Permit from the City of Delray Beach and approval of the ACB/ACC. Any trees removed shall be replaced as required by the City of Delray Beach Landscape Regulations. If a homeowner wishes to prune his own trees and shrubs he/she must post a red reflector marker on the mailbox post or fence or area of plantings that the homeowner commits to prune and maintain. Lawns will be cut and trimmed by the Association but any permanent or miscellaneous plantings will then be the responsibility of the homeowner.

3.4 Plantings at Fences:

All plantings along fences, inside and out, must be maintained by the homeowner. Bougainvillea may not be grown as a vine on a wooden fence. Space must be left behind all plantings so that the fence and mailbox post may be painted or repaired. Notice will be given to the homeowner to cut down or remove invasive plantings. If clearance of these plantings is not done by the homeowner, then the Association will do the work and charge the owner for all costs incurred. Plantings in the vicinity of fire hydrants shall conform to City regulations:

"Can I plant shrubbery around a fire hydrant so that it's not so visible?

No. Only ground cover is allowed to grow near a fire hydrant. All other plants and obstructions must be at least 7'6" from the front and sides of a fire hydrant and at least 4' from the rear of a fire hydrant. ALL fire hydrants must have direct visibility and accessibility from the street."

3.5 Hedges:

Hedges planted near fences or buildings must be no closer than eighteen (18) inches from a

home or fence. They must provide clearance to paint or maintain fences. Trees or hedges that obstruct access for painting will be removed at the homeowner's expense, after proper notification. Any hedge that becomes overgrown and causes problems with adjoining units may be deemed a nuisance and removed at the homeowner's expense. Any cactus, hedge or planting that is considered a hazard must be removed. Hedges must conform to a uniform height of six (6') feet above grade. Perimeter hedges should conform to a uniform height of eight (8') feet above grade.

4. Separate Detached Buildings or Structures

4.1. ACB/ACC approval must be obtained for the installation of in-ground or other permanent swimming pools or spas (e.g., hot tubs) and any fences surrounding these in accordance with State and City Codes and Regulations. Any such work must have approved Permit(s) in accordance with State and City Codes and Regulations.

4.2. ACB/ACC approval must be obtained for the installation of sheds or other stored items which is permitted by applicable law, including Florida Statute 720 as may be amended from time to time.

4.3. In accordance with Florida Statute 552.73(h), as may be amended from time to time, sheds are exempt from **some** Florida Building Code requirements:

4.3.1. "Sheds that are not designed for human habitation and that have a floor area of 720 square feet or less **are not required to comply with the mandatory wind-borne-debris-impact standards of the Florida Building Code**. In addition, such buildings that are 400 square feet or less and that are intended for use in conjunction with one- and two-family residences **are not subject to the door height and width requirements of the Florida Building Code.**

4.4. However, according to the Delray Beach Zoning and Land Development Regulations:

4.4.1. " …sheds falling within the exemption outlined in Florida Statute section 553.73 (h) must still adhere to all other applicable Zoning regulations to ensure safety and compliance with local ordinances. This could be done through the regular permitting process".

4.4.2. Therefore, the ACB/ACC Request must provide a current marked up survey showing the proposed location of the shed or other stored item(s)

4.5. **The ACB/ACC will not perform any inspections of the installation**, location, or anchoring of any shed so the Owner will have the liability for any error of installation and any damage due to the installation.

4.5.1. In the event a City Permit is obtained, the City will perform inspections as they determine necessary.

5. Hurricane Protection Devices – As required by FS 720.3075 (e) – 2024.

5.1. The **Specifications** contained in this section apply, but are not limited, to the following items, EXTERIOR to the Homes and Villas.

5.1.1. Roof systems recognized by the Florida Building Code latest addition, and as may be amended from time to time, and which meets ASCE 7-22 standards

5.1.2. Permanent fixed storm shutters

5.1.3. Roll-down track storm shutters

5.1.4. Impact-resistant windows and doors

5.1.5. Polycarbonate impact resistant panels

5.1.6. Reinforced impact resistant garage doors and their attaching hardware

5.1.7. Exterior fixed standby generators

5.1.8. Fuel storage tanks

5.1.9. Exterior air conditioning or heat pump OUTDOOR units

5.1.10. Hurricane rated screen enclosures.

5.1.11. And any other hurricane protection products used to preserve and protect the structures or improvements.

5.2. All hurricane protection products as listed above shall have a current Notice of Acceptance (NOA) or a Florida Product Approval (FPA) number.

5.3. All hurricane protection products that are proposed for installation or replacement shall be installed in accordance with the Florida Building Code, latest addition, and have a permit issued by the City of Delray Beach.

5.4. All hurricane protection products that are proposed for installation or replacement shall be installed in accordance with the NOA or FPA and other details provided by the product(s) manufacturer(s).

5.5. All exterior work for the installation or replacement of any hurricane protection devices, as listed above, must be approved by the ACB/ACC PRIOR TO SUBMITTING FOR PERMIT TO ENSURE THAT THE ABOVE SPECIFICATIONS ARE MET.