

**ARCHITECTURAL CONTROL MANUAL
FOR
ESPLANADA AT BOCA POINTE HOMEOWNERS ASSOCIATION, INC.**

PREFACE

This manual (the “Manual”) describes the criteria that shall be used by the Architectural Control Board (the “ACB”) of Esplanada at Boca Pointe Homeowners Association, Inc. (the “HOA”) to conduct its business. In doing so, the Manual also provides a set of regulations and documents that homeowners can reference when desiring to make alterations within their lots.

**CHAPTER I
MEMBERSHIP**

Section 1. The ACB shall be composed of at least three (3) members and of an odd number of members.

Section 2. All members of the ACB shall be appointed by the Board of Directors of the HOA (the “Board of Directors”).

Section 3. Members of the ACB may be subject to removal with or without cause by the Board of Directors.

**CHAPTER II
MEETINGS**

Section 1. Meetings of the ACB shall be held as needed.

Section 2. Any action of the ACB shall require a majority vote of its members.

**CHAPTER III
LANDSCAPING**

Section 1. Only plants that need the usual and customary maintenance provided for in the HOA’s landscape maintenance contract shall be allowed. No statuary will be allowed, nor topiary and bonsai trees.

Section 2. Annual flowers shall be allowed, but the homeowner shall be responsible for their maintenance and replacement.

Section 3. Plants in pots and planters shall only be allowed if they are not visible from the lot’s frontage.

Section 4. **REMOVED**

Section 5. Homeowners shall install sprinklers in common grass areas adjacent to the sidewalks next to their lots in order to water those areas.

Section 6. All landscaping and lighting shall not impede the fulfillment of the HOA’s landscape maintenance

contract. Homeowners are responsible for any and all repairs of their own lighting.

**CHAPTER IV
PERIMETER**

Section 1. All exterior materials shall not be artificial.

Section 2. All exterior walls shall be made of concrete block and stucco, and colored PPG Esplanada Beige Paint.

Section 3. All fences shall be colored black and made of aluminum or steel.

Section 4. All garage doors shall be stylised in classic short panels and colored in PPG Fudge Truffle or a similar dark brown. Garage doors shall not have windows.

Section 5. Framing for all exterior doors shall be colored black, bronze, or PPG Fudge Truffle or a similar dark brown.

Section 6. Framing for all exterior windows shall be colored black or bronze.

Section 7. Exterior building wood shall be colored in PPG Fudge Truffle or a similar dark brown.

Section 8. Roof tiles shall be Boral Barcelona 900 Gold Dust, Eagle Roofing Capistrano Terracambra Range or Crown ACT Bougainvillea.

Section 9. Awnings shall only be allowed if they are not visible from the lot’s frontage.

Section 10. Screens shall be black or bronze. Replacement of window and door screens shall not be deemed an item for review, as long as replacement is made with like materials, colors, and style.

Section 11. Only storm shutters in roll down or accordion style shall be allowed. Shutter color shall match the building’s beige.

Section 12. Solar panels shall only be placed on the roof in the rear area of the building and must have all wiring out of sight.

Section 13. House numbers shall be installed on the surface above a building’s garage door, unobscured by shrubs.

Section 14. Exterior lighting shall not disturb neighbors, pedestrians, nor drivers. Exterior lighting equipment shall be black or bronze and generally fit with the Spanish motif of Esplanada.

Section 15. Gutters shall be colored PPG Fudge Truffle or a similar dark brown.

Section 16. Leaders shall be colored PPG Esplanada Paint or similar color.

CHAPTER V OTHER EXTERIOR ITEMS

Section 1. All driveways and walkways (except sidewalks) shall be block paved. Pavers shall be manufactured by Belgard; colored Adobe, Brown-Chestnut, or Harvest Blend; and installed in Herringbone 45, Herringbone 90, or Basket Weave patterns. Walkway pavers shall be 30 mm (1 3/16") or 60 mm (2 3/8") thick. Driveway pavers shall be 60 mm (2 3/8") thick.

Section 2. Gates shall be maintained in a black color. Maintenance of existing gates shall not be deemed an item for review, as long as maintenance is performed with like materials, like style, and the aforementioned color.

Section 3. Air conditioning equipment shall not be visible from the lot's frontage. No window or wall unit air conditioning shall be allowed.

Section 4. Spas shall only be installed inside a building's patio and not visible from the lot's frontage. Spa exterior color shall conform with the patio's existing scheme.

Section 5. Holiday decorations shall be allowed as long as they are installed within thirty (30) days prior to the holiday and removed within fifteen (15) days following the holiday.

Section 6. Community items, including but not limited to fire hydrants, drainage grates, communications equipment, cable boxes, mailboxes, transformers, light posts, street signs, curbs, sidewalks, and roads shall not be modified by homeowners.

Section 7. All grass visible from the lot's frontage or an adjacent lot, an adjacent common area, or the community golf course shall be St. Augustine.

CHAPTER VI GRANDFATHER CLAUSE

Section 1. Items incongruent with this Manual that were approved before the adoption of this Manual shall hereby be grandfathered if they were approved by the developer, the Board of Directors, the ACB, or ACB-like entities.

CHAPTER VII REQUESTS FOR ARCHITECTURAL REVIEW

Section 1. Homeowners shall fill out and submit a Request for Architectural Review as described in Exhibit A, attached hereto and hereby made part of, to the HOA's property management company for all alterations requiring review. These forms can be found on our website esplanadahoa.org

Section 2. All submissions shall contain complete plans and specifications for the alteration proposed. Plans shall include a diagram that is at least hand drawn in pen-and-paper or pencil-and-paper. The ACB may also request samples of materials. Any other information requested that is pertinent to the final decision.

Section 3. Applicants who are not performing their own alterations shall provide a copy of an official document issued by the State of Florida showing that the performer is authorized to conduct business in Florida (such as a certificate of status from the Division of Corporations, business registration, contractor's license, or other comparable documentation), together with a Certificate of Insurance demonstrating current general liability coverage of at least one million dollars (\$1,000,000) and current workers' compensation coverage or a certificate of exemption issued by the State of Florida. The Certificate of Insurance shall list the Association as the certificate holder, as described in Exhibit B attached hereto and incorporated herein.

Section 4. Applicants shall affirm in writing that the work will be performed in conformance with the documentation submitted and that they are responsible for obtaining any and all required permits.

Section 5. REMOVED.

Section 6. Applicants shall not have any outstanding balance in order to receive an approval.

Section 7. No work shall be started before receiving approval from the ACB. Work begun before being approved by the ACB may be requested to be removed at the homeowner's expense or legal action may be taken.

CHAPTER VIII REVIEWING REQUESTS

Section 1. The ACB may deny requests that do not comply with federal law and regulations; with Florida statutes and regulations; with Boca Pointe Community Association (the "BPCA") covenants, restrictions, rules, regulations, standards, and guidelines; with the Esplanada HOA's covenants, restrictions, rules, regulations, standards, and guidelines; and with the criteria established in this Manual.

Section 2. Any review that requires the services of a professional consultant, as deemed necessary by the ACB, shall also include a review fee. Homeowner will be apprised of the need prior to acquiring such services. The fee shall be whatever is charged by the consultant and paid by the applicant prior to a final decision being rendered.

Section 3. Certain applications proposing to perform alterations within certain lots may require additional review from the BPCA and Esplanada's Board of Directors as determined by the request and location of the lot.

Section 4. The ACB may issue a variance from compliance with one or more of the HOA's architectural

covenants, restrictions, rules, regulations, standards, and guidelines if such variance is reasonable and not materially injurious or detrimental to the members of the HOA or the surrounding lots and buildings. Any variance may be subject to a hearing open before the Board of Directors.

CHAPTER IX

APPEALS

Section 1. Applicants may appeal ACB decisions. The first appeal shall be submitted to the ACB which shall hear the appeal in a formal meeting of that board. In the event that the ACB denies that appeal, applicants may appeal to the Board of Directors which shall hear the appeal in a formal meeting of that board. The Board of Directors shall then make a decision within thirty (30) days of its meeting. The decision shall be final.

EXHIBIT A
APPLICATION FOR REVIEW FORM

**Request for Architectural Review
Esplanada at Boca Pointe Homeowners Association, Inc.**

| | | |
|---|--|-------------------------|
| Step 1: Personal information | (a) Requestor's name | (c) Phone number |
| | (b) Lot address | (d) E-mail |
| Step 2: Performer | (a) Will you perform the work yourself? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If you answered 'Yes' on Step 2, skip to Step 6. Otherwise, proceed to Step 3. | | |
| Step 3: Third-party performer | (a) Which legal entity will be performing the work? | |
| | (b) Will you attach a copy of an official document issued by the State of Florida showing that the performer is authorized to conduct business in Florida (such as a certificate of status from the Division of Corporations, business registration, contractor's license, or other comparable documentation)? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (c) Will you attach a copy of the performer's Certificate of Insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (d) Will the Certificate of Insurance show the performer has a general liability insurance of at least one (1) million dollars? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (e) Will the Certificate of Insurance show the performer's general liability insurance has not expired? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (f) Will the certificate holder within the Certificate of Insurance be listed as follows? Esplanada at Boca Pointe HOA, Inc c/o Campbell Property Management 1215 E Hillsboro Blvd Deerfield Beach, FL 33301 <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (g) Will the performer be exempt from worker's compensation? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If you answered 'Yes' on Step 3(g), proceed to Step 4. Otherwise, proceed to Step 5. | | |
| Step 4: Exemption from workers compensation | (a) Will you attach a copy of the performer's Certificate of Election to be Exempt from workers compensation as issued by the state of Florida? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (b) Will the performer's Certificate of Election to be Exempt be unexpired? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Skip to Step 6. | | |
| Step 5: Workers compensation | (a) Will the Certificate of Insurance show the performer has workers compensation insurance? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (b) Will the Certificate of Insurance show the performer's workers compensation insurance has not expired? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Step 6: Supplementary information | (a) Will you attach a diagram of the alteration(s) that is at least hand drawn in pen-and-paper or pencil-and-paper? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| | (b) Describe the proposed alterations, including shapes, colors, patterns, materials, dimensions, location, and style if applicable, and any other pertinent details: | |
| BY SIGNING THE BELOW I HEREBY AFFIRM THAT THE WORK WILL BE PERFORMED IN CONFORMANCE WITH THE DOCUMENTATION SUBMITTED AND THAT I SHALL OBTAIN ANY AND ALL REQUIRED PERMITS. | | |
| SIGNATURE | DATE | |

EXHIBIT B
REQUIRED TEXT UNDER CERTIFICATE HOLDER FOR CERTIFICATE OF INSURANCE

Esplanada at Boca Pointe HOA, Inc
c/o Campbell Property Management
1215 E Hillsboro Blvd
Deerfield Beach, FL 33301