

**RIVERBEND AT LEISURE WORLD CONDOMINIUM  
UNIT OWNERS ASSOCIATION**

*POLICY RESOLUTION NO. 7*

ARCHITECTURAL DESIGN REVIEW PROCEDURES AND GUIDELINES

WHEREAS, Section 3.1 of the Bylaws of the condominium assigns to the Board of Directors "all powers and duties necessary for the administration of the affairs of the Unit Owners Association and may do all such acts and things as are not by the Condominium Act or the condominium instruments required to be exercised and done by the Association"; and

WHEREAS, Section 3.1(c) of the Bylaws provides that the Board of Directors shall, on behalf of Riverbend at Leisure World Condominium Unit Owners Association, "provide for the operation, care, upkeep and maintenance of all property and services of the condominium"; and

WHEREAS, Section 5.7 of the Bylaws requires unit owners to obtain prior written consent of the Board or Covenants Committee, as appropriate, for certain changes to units or common elements; and

WHEREAS, Section 3.13 of the Bylaws provides for a Covenants Committee to review-applications for such changes; and

WHEREAS, the Board deems it necessary to establish guidelines and procedures for unit owners wishing to make changes to their unit or the common elements.

NOW, THEREFORE, BE IT RESOLVED THAT: the following Architectural Design Review Procedures and Guidelines be adopted:

**I. GENERAL**

A. No alteration or addition to the exterior of a unit may be made without prior application to and approval of the Board of Directors or the Covenants Committee, as appropriate, except as noted in this resolution.

B. The interior unit changes identified in this resolution also require such approval.

C. Each owner is responsible for assuring that alterations and additions are made only in accordance with all applicable governmental codes and ordinances and the provisions of this resolution.

D. The owner of any unit to which any alteration or addition is made, whether approved by the Board and/or Covenants Committee or not, shall hold the Association harmless for any injury or damage to any person(s) or property resulting from, or related to, the alteration or addition made.

## II. DESIGN GUIDELINES

### A. Electrical Wiring:

1. If a change to the electrical wiring in a unit does not affect another unit or the common elements, approval by the Board or the Covenants Committee is not required; provided, however, that necessary contractor licensing and governmental permits have been obtained by the applicant and a copy of same has been provided to the managing agent.

2. If any proposed change to the electrical wiring in a unit would affect another unit or the common elements, including, but not limited to, increasing the load on the electrical system of the building, the unit owner must seek and obtain prior approval of the Covenants Committee providing to the Committee, in addition to the information required on the application (Exhibit A) the following:

- a. a diagram of the existing wiring system;
- b. a diagram of the proposed wiring system;
- c. the existing electrical load of the unit;
- d. the electrical load of the unit under the proposed changes;
- e. a description of how other unit(s) or the common elements would be affected by the change;
- f. identification of the licensed electrician who will perform the work;
- g. a time schedule for beginning and completing the proposed change; including the hours during which any construction will be done and a plan for removal of any debris created;
- h. a copy of all applicable permits.

3. The Association shall have no responsibility for any damage to person(s) or property resulting from, or related to, any change in wiring from that originally installed, whether or not such change has the approval of the Covenants Committee, since the Covenants Committee cannot control quality of workmanship relative to the change, or errors or omissions of pertinent information on the application.

### B. Plumbing:

1. If a change to the plumbing system of a unit does not affect another unit or the common elements or increase the water consumption of the building, approval of the Board or the Covenants Committee is not required; provided, however, that the necessary contractor licensing and governmental permits are obtained by the applicant and that a copy has been provided to the managing agent.

2. If the proposed change to the plumbing system of a unit would affect another unit or the common elements, including, but not limited to, increasing the water consumption, the unit owner must seek and obtain prior approval of the Covenants Committee providing to the Committee, in addition to the information required on the application (Exhibit A), the following:

- a. a diagram of the existing plumbing system;
- b. a diagram of the proposed plumbing system;
- c. the water consumption under the existing system;
- d. the water consumption under the proposed system;
- e. a description of how other units or the common elements would be affected by the change;
- f. identification of the licensed plumber who will perform the hours during which any construction will be done and a plan for removal of any debris created;
- g. a time schedule for beginning and completing the proposed change;
- h. a copy of all applicable governmental permits.

The Association shall have no responsibility for any damage to person(s) or property resulting from or related to any change in plumbing from that originally installed, whether or not such change has the approval of the Covenants Committee, since the Covenants Committee cannot control quality of workmanship relative to the change, or errors or omission of pertinent information on the application.

C. Relocation of Unit Boundaries and Subdivision of Units:

Pursuant to Article 2, Section 2.5 of the Declaration, Article 5, Section 5.7 of the Bylaws, and the provisions of Sections 55-79.68, 55-79.69 and 55-79.70 of the Condominium Act, unit owners may relocate boundaries between adjoining units or subdivide units subject to the following provisions:

1. Requests for and relocation of unit boundaries or subdivision of units are to be submitted to the Board of Directors through the Covenants Committee on an application substantially in the form of Exhibit A, and approved prior to any change;
2. Application must be made jointly by the unit owners involved;
3. Written approval of the unit's mortgagee, if any, of the proposed relocation of unit boundaries or subdivisions must be attached to the application. While the Board may not unreasonably withhold approval of the proposed relocation or subdivision, it may require that the application for relocation or subdivision include the following:
  - a. a diagram of existing unit boundaries;
  - b. a diagram of proposed unit boundaries;
  - c. the proposed reallocation as between the units involved or new units created, as applicable, of the aggregate common element interest and votes in the Unit Owners Association appurtenant to those units;
  - d. qualification, including a description of licenses to do any electrical or plumbing work, of the person or firm under contract to perform construction;
  - e. a time schedule for construction and/or demolition of walls and other necessary alterations including a time schedule for beginning and completing the work, the hours during which any construction will be done and a plan for removal of any debris created;
  - f. the name and address of applicant's counsel, if any;
  - g. a copy of all applicable governmental permits.
4. The Board, at its sole discretion, may require the following to the extent applicable:
  - a. pre-design conference;
  - b. submission consisting of:
    - 1) letter of transmittal
    - 2) floor plans
    - 3) ceiling plan
    - 4) construction schedule
    - 5) proposed contracts
    - 6) location or storage site of building materials
    - 7) request for temporary access
    - 8) certificate of insurance from contractor
    - 9) such other information as the Board or Committee may require.
5. Any new walls, at a minimum, must meet the standards of original construction or current building codes, if such exceed the standards of original construction.
6. Pursuant to Sections 55-79.69(F) and 55-79.70(F) of the Condominium Act, applicants assume responsibility for all costs related to a relocation of boundaries or subdivision of units including, without limitation, all costs relating to preparing and filing amendments to the Declaration and Bylaws, new plats and plans, as required by Sections 55-79.69(E) and 55-79.70(E) of the Condominium Act. In the case of boundary relocations, such costs shall be divided between or among applicants as they agree in writing. The application must be accompanied by a fee sufficient, in the estimation of the Board, to defray the costs to the Association of compliance with these sections. The applicant(s), promptly upon notice from the Association, must remit the amount necessary to meet any insufficiency. If the submitted fee is more than the costs of compliance with these sections, the Association shall return the excess to the applicant(s) after recordation of the required instruments.

7. Construction or demolition of unit walls may not commence until a) applicant has met the requirements imposed by the Board of Directors, the rules and regulations and this resolution, b) all appropriate instruments have been prepared, executed and acknowledged, and, c) all fees have been paid.

8. Construction or demolition must be done in such a way as not unreasonably to disturb or interfere with other residents. Responsibility for removal of any debris resulting from the work, including costs, if any, shall be borne by the applicants as they shall determine among themselves. If the applicants fail to promptly and properly dispose of debris, the Association will take such action as is necessary to meet the problem and assess the cost against any or all of the applicants.

9. At all times, unit owners and residents involved must comply with the provisions of Article 5 of the Bylaws.

10. Provisions of this section do not apply to a unit owner who has acquired two or more adjoining units and removes the non-bearing wall dividing partitions, but Section D below, shall apply.

D. Alterations Within Units:

Section 55-79.69(b) of the Condominium Act provides that, "If a unit owner acquires an adjoining unit, or an adjoining part of an adjoining unit then such unit owner shall have the right to remove all or any part of any intervening partition or to create doorways or other apertures therein, notwithstanding the fact that such partition may in whole or in part be a common element, so long as no portion of any bearing wall or bearing column is weakened or removed and no portion of any common element other than that partition is damaged, destroyed or endangered. Such creation of doorways or other apertures shall not be deemed an alteration of boundaries within the meaning of Section 55-79.69."

Written application for such a change must be made according to provisions of Part III of this Resolution, and in accordance with above cited sections of the Condominium Act and Article 5, Section 5.7 of the Bylaws. Construction and/or demolition or dividing partitions must be done in such a way as not unreasonably to disturb or interfere with other residents. Responsibility for removal of any debris, including cost, if any, shall be borne by applicant. If applicant fails to promptly and properly dispose of debris, the Association will take such action and assess the costs thereof against the applicant.

### III. APPLICATION FOR REVIEW PROCEDURES

A. Requirements For AJ1 Applicants:

1. Each unit owner shall submit each proposal for addition, alteration or improvement to the unit in writing, using an Application for Review form (Exhibit A). The proposal shall contain a description of the project, including, as applicable, the height, width, length, size, shape, color, materials and location of the proposed change. Sketches of the proposed treatment and/or photographs of similar completed projects will aid in the consideration. If the alteration affects the existing drainage pattern, the proposed drainage pattern must be included. The proposal should include a letter describing the proposed addition or alterations certifying that no bearing wall or column will be removed or weakened and that no pipe, wire, cable, duct or other utility serving any other unit or any common element will be removed or made less efficient.

2. Each alteration, addition or improvement must be specifically approved even though the intended alteration, addition or improvement conforms to the condominium instruments, rules and regulations and this resolution, and even when a similar or substantially identical alteration, addition or improvement has previously been approved.

3. A written decision shall be issued by the Committee within forty-five days after receipt of the complete application and shall include the basis for the decision and a statement of approval or denial of the request.
4. The applicant may request reconsideration if new or additional information which might clarify the request or demonstrate its acceptability can be provided.
5. Each Application for Review will be filed according to Unit Identification Number along with 'the written decision.
6. The unit owner is responsible for assuring that any changes or additions are made in conformance with the condominium instruments, this resolution and the statements made in the Application for Review. Failure to comply will subject the unit owner to the remedies set forth in the condominium instruments, rules and regulations and this resolution.
7. Approval of any request by the Association does not waive any requirement of obtaining governmental permits, and the Association will not knowingly approve a change which is in violation of applicable building or zoning codes and any such approval which is in violation is automatically null and void whether the Association notifies the applicant of such condition or not. Whenever the Association determines that a change previously approved is in fact a violation of any governmental code, approval for the application shall be declared null and void and a notice to that effect shall be promptly delivered to the unit owner. The unit owner must immediately cease all work on the change. If the change cannot be brought into compliance with governmental requirements, it must be restored to its original condition at the expense of the unit owner within sixty days of the notice from the Association voiding prior approval.
8. Obtaining a governmental permit does not waive the need for Association approval.

B. Additional Requirements For Major Modifications:

For major structural changes, any approval is conditioned upon the following requirements:

1. Where the change affects common utilities (including, without limitation, temporary interruption of utility service to any unit or any part of the common elements), applicants are required to coordinate arrangements with the Association office prior to commencement of work.
2. In any event, common utility service may not be interrupted except between the hours of 8:00 a.m. and 5:00 p.m. on weekdays and may not be interrupted on weekends or generally observed holidays.

C. Denial of Request:

Approval may be denied for any of the following reasons:

1. Incomplete or unclear application, in which case it will be returned to applicant with appropriate instructions for re-application.
2. A finding that other units or common elements would be adversely affected by the proposed change.
3. A determination that the change would significantly increase consumption of any utility billed to the Association and/or have an adverse impact on the common water drainage system or adversely affect building electrical circuits.
4. A determination that the change would result in a significant increase in common insurance premiums.

Any other reason(s) stated and supported by the Covenants Committee or the Board, as applicable, and stated in the decision.

D. Administrative Requirements:

1. Applicant must inform the Association office of the date on which construction starts.
2. If applicant desires to make changes during construction, a revised application must be submitted to the Covenants Committee which shall promptly act upon the revised application.
3. Applicant must provide the Association with notice of completion.
4. Upon completion, the Board, Covenants Committee or their designated representative will inspect the unit and common elements, and, if satisfied that construction is in compliance with approved plans, will issue a Certificate of Compliance,

E. Completion of Structure: Construction in accordance with an approved plan or specification must be commenced within six months after such approval, and completed within sixty days after date of commencement unless otherwise authorized by the Covenants Committee. If not commenced and completed as provided herein, then the approval will be considered null and void and a new application must be made. Construction must be completed as approved; any deviation will be considered a violation.

#### **IV. PROCEDURES FOR MONITORING ARCHITECTURAL COMPLIANCE**

Inspection: The Covenants Committee or their designated representative shall periodically survey the property for compliance.