

Chapter 12 - Section 12.02

New Construction Committee

Policy:

The NCC is a committee established under the authority of Cape Cave Corporation, the Developer of Rotonda West, based on the Deed Restrictions of the Rotonda West Association, Inc. (RWA)

The NCC is not an RWA Committee.

Definitions:

New Construction Committee (NCC):

A committee appointed by the Grantor/Developer for the purpose of reviewing and approving all new construction of every type and description, except for Residential Improvements constructed on a Lot/Tract after the receipt of a certificate of occupancy for the Dwelling on the same Lot/Tract, which shall be approved by the Residential Modification Committee. The NCC shall also review and approve modifications to all Commercial Improvements. In the instance that the Grantor/Developer assigns reviewing and approving all new construction of every type and description, except for Residential Improvements constructed on a Lot/Tract after the receipt of a certificate of occupancy for the Dwelling on the same Lot/Tract, those shall be approved by the Residential Modification Committee. The NCC shall also review and approve the modifications to all Commercial Improvements. In the instance that the Grantor/Developer assigns the reserved rights relative to the NCC to the Rotonda West Association, or in the event that the Grantor/Developer is dissolved without an assignment of reserved authority to a successor entity, or if the Grantor/Developer voluntarily relinquishes its right to appoint individuals to the NCC, then the Board will appoint individuals to the NCC.

New Construction Guidelines:

Standards for the control and of the design of all new Dwellings and all Commercial Improvements, including but not limited to roof pitch and materials, parking and driveway cross sections, exterior aesthetics, design, materials and colors, the location of the air conditioning/heating systems and the location, design and color of mailboxes, landscaping and other such construction specifications are as the NCC, in its sole discretion, deems appropriate.

The Developer's New Construction Guidelines and Application form can be found herein in Sections 12.02.02 and 12.02.03 and on the RWA Website at www.rotondawest.org.

Function and Authority per the RWA Deed Restrictions:

Section 5. PLANS, SPECIFICATIONS AND ARCHITECTURAL REVIEW:

All plans and specifications including, but not limited to new construction of Dwellings or Improvements on a Lot/Tract and additions, alterations and modifications to Dwellings or Improvements on a Lot/Tract, together with grading, filling, dredging and excavation of a Lot/Tract, must first be approved by the Grantor/Developer or Association as set forth in this Section. Refusal or approval of these plans and specifications by the Grantor/Developer or Association may be based on any grounds, including purely aesthetic grounds. Grantor/Developer, in its sole discretion, has assigned its review of building plans and specifications and site plans to two architectural control committees: 1) Ne\v Construction Committee (the "NCC") and 2) Residential Modification Committee (the "RMC").

- a. The NCC shall be comprised of the Grantor/Developer and at its absolute discretion such other person, entity or people as Grantor/Developer chooses. Following assignment by Cape Cave to the Association of Grantor/Developer's reserved rights relative to the NCC, in the event that Cape Cave is dissolved without an assignment of reserved authority to a successor entity, or if Cape Cave voluntarily relinquishes its right to appoint individuals to the NCC, the Board shall appoint members to the NCC in the same manner as that set forth for the RMC.

- i. The NCC shall review applications relative to new construction of Dwellings, Residential Improvements

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constructed simultaneous with initial construction of the Dwelling on the same Lot/Tract as the Dwelling, Commercial Improvements and additions, alterations and modifications to Commercial Improvements.

- ii. No new construction of Dwellings, Residential Improvements constructed simultaneous with initial construction of the Dwelling on the same Lot/Tract as the Dwelling, Commercial Improvements or additions, alterations or modifications to Commercial Improvements shall be made without the prior written approval of the NCC. In seeking such approval, the Owner must submit a set of construction plans and specifications, including working drawings, a site plan, in a form reasonably satisfactory to the NCC, showing the location of the Dwelling(s) and all Improvements, together with landscaping, parking spaces, mailboxes, irrigation and utility lines, property lines and setbacks, and adequate assurances demonstrating that the proposed construction or alteration meets the requirements of these Restrictions and all building, zoning, plumbing, electrical and other codes in effect at the time of construction or alteration of such Dwelling or Commercial Improvement. The NCC reserves the right to require proof of project completion funding from the Owner.
- iii. The NCC may establish and from time to time modify New Construction Guidelines.
- iv. Approval or disapproval of an application by the NCC, which shall be in writing, shall be based on the standards set forth in these Restrictions together with those in the New Construction Guidelines. In the event the NCC fails to approve or disapprove an application within forty-five (45) days after the NCC has received all documentation required by this Section, together with that required by the New Construction Guidelines, approval shall be deemed to have been given.
- v. The NCC may establish a schedule of fees and/or deposits to cover costs related to review of applications and plans, together with on-going inspections throughout the construction process, relative to new construction of Dwellings and Commercial Improvements and additions, alterations and modifications to Commercial Improvements.
- vi. The Application, plans and other specifications required by the

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NCC shall be submitted in writing and mailed by certified or registered United States Mail postage prepaid to NCC, Cape Cave Corporation, 4005 Cape haze Drive, Cape Haze, Florida 33947. The NCC reserves the right to change the addresses provided above from time to time.

- b) Non-liability. The review and approval or disapproval of all plans and specifications submitted for any proposed construction, improvement, modification, alteration, or addition shall not be deemed approval or certification of the proposed construction for structural safety or conformance with building or other County, State or Federal codes. The Grantor/Developer, Association, Board of Directors, officers and any members of the committees shall not be liable to any Owner or any other person or entity for any loss, damage, or injury arising out of or in any way connected with the performance or nonperformance of the duties hereunder or the approval or disapproval of any plans or specifications